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HOUSE . . . . . No. 300.

1883

REPORT OF HEARINGS

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BEFORE THE

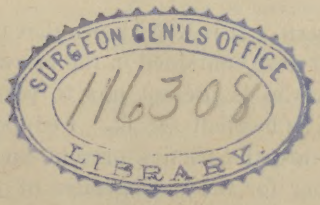
JOINT STANDING COMMITTEE

Mass. General Court.

ON

Public Charitable Institutions

UNDER THE ORDER FOR SAID COMMITTEE TO INVESTIGATE THE MANAGEMENT, CONTROL AND CONDITION OF THE PUBLIC CHARITABLE INSTITUTIONS, AND THE SPECIAL CHARGES OF THE MISMANAGEMENT OF THE STATE ALMSHOUSE AT TEWKSBURY.



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Commonwealth of Massachusetts.

THURSDAY, March 29, 1883.

The committee met at 7.30 P. M., in Room No. 10, Senator LORING of Worcester in the chair.

The CHAIRMAN. If the committee will come to order, we will now proceed. The Joint Committee on Public Charitable Institutions has met pursuant to the following order, which I will read: —

"HOUSE OF REPRESENTATIVES, Feb. 7, 1883.

"*Ordered*, That the Committee on Public Charitable Institutions investigate the management, control and present condition of the several public charitable institutions, and particularly the special charges of the mismanagement of the State Almshouse at Tewksbury, and that the committee be empowered to send for persons and papers, employ a stenographic reporter, and report in print.

"Sent up for concurrence.

"SENATE, Feb. 8, 1883.

"Concurred. S. N. GIFFORD, *Clerk*."

Mr. GEORGE C. BURPEE has been appointed the stenographic reporter of this committee. If he will stand up he will be sworn.

[Mr. Burpee took the oath administered by the chairman.]

The CHAIRMAN. It is well known that these charges are substantially what were contained in the message of His Excellency the Governor, who is present now to present to the committee such evidence as he shall see fit. I suppose it may be well for us to see who are the parties present and represented. Does anybody appear for the management of the Tewksbury Almshouse?

Mr. EDWARD P. BROWN. Mr. Chairman and Gentlemen of the Committee: I appear here as counsel for the board of trus-

tees of the institution at Tewksbury, and also for the superintendent and managers. Before the committee proceeds with its duties, I desire to ask the committee whether we are to have charges against the institution and its managers in writing? I understand that has been the custom in investigations of this kind. It was the method of proceeding in 1876. The charges were made at that time by the president of the board who had the management of public institutions, and at the request of the committee charges were presented to the committee in writing, and furnished to the parties to be affected thereby.

The CHAIRMAN. Governor Butler, have you anything to say?

Gov. BUTLER. So far as I am concerned, I have not any charges in writing to make. I do not think it is my business. I am not here as a public prosecutor, and I am not here as an aggrieved party; and I have never known in the courses of an investigation that charges were required, because it was practically all known. So that when you base charges upon them there is not any occasion for any investigation, if the facts are all known, so as to be stated. And this is not a trial of any one man or any set of men. It is a trial of the conduct of an institution. Now nobody can make charges that I know of. All we can do is to call before the committee people connected with the institution and from elsewhere, who will tell what they know about it. And I have never seen, in the course of a pretty long life, any other course pursued. The other course is meant to prevent investigation if any is ever taken; and if it was taken in 1876, which I know nothing about, and never studied into except incidentally, I can easily conceive how such an investigation was fruitless. The person making the charges carefully steered clear of the weak points, and having evidence confined to them could easily make the investigation fruitless.

Mr. BROWN. Mr. Chairman and Gentlemen of the Committee: If I may be permitted to reply to what has been said by His Excellency, if the committee will refer to House Document, No. 326, of the year 1876, they will find the following: —

"HOUSE OF REPRESENTATIVES, April 6, 1876.

"The undersigned of the Committee on Public Charitable Institutions, to whom was referred the Twelfth Annual Report of the Tewksbury Almshouse, report in part as follows:

That the committee took an early opportunity to request Mr. Sanborn, Chairman of the Board of State Charities, to prefer charges in writing in the matter of certain statements contained in the

twelfth annual report of the board regarding the management, discipline and sanitary condition of the State Almshouse at Tewksbury."

A statement was accordingly submitted, containing five charges; to wit:

"OFFICE OF THE BOARD OF STATE CHARITIES,
STATE HOUSE, BOSTON, Feb. 24, 1876.

"*To the Committee on Public Charitable Institutions:*

"GENTLEMEN:—Your note requesting me, as chairman of the board of state charities, 'to prefer specific charges in writing concerning statements made by you, etc., against Tewksbury Almshouse officers, etc., and present the same for the committee's action on Thursday, the 24th instant' (to-day), has been communicated to me by your secretary.

"Although I have had no opportunity to consult the members of the board in regard to the matter, and although it has never been the custom of the board to appear as the public accuser of state officers in hearings of this kind, but either as persons officially communicating information, or as witnesses subject to the examination of legislative committees, I yet feel no hesitation in complying with your request, so far as to submit to you in writing the statements verbally made to your committee in answer to questions asked or remarks made by members of the committee. These statements were made upon information officially obtained by members of the board in the performance of their duty, and were substantially as follows:"

Then follow five charges, and for the purpose of illustration I will read the first, —

"*First*, That upon a visit of inspection made by the board to the State Almshouse, in 1873, the hospital for the sick, the asylum for the insane, and the room occupied by the foundling children were found either ill-ventilated, offensive from the effluvia of privies and other sources of stench, or infested with vermin; and that this insanitary and improper condition of those parts of the almshouse was then made known to the superintendent, and soon after to His Excellency, Governor Washburn."

Others differing in substance, but clothed in substantially the same language —

GOV. BUTLER. How differing in substance?

Mr. BROWN. Because they refer to other facts.

GOV. BUTLER. Such as —

Mr. BROWN. Well, —

"*Second*, That in October and November, 1874, certain insane women were improperly imprisoned at the Tewksbury Almshouse

(as set forth in a report signed by F. B. Sanborn, S. C. Wrightington and Sidney Andrews, now in the hands of your committee); that this imprisonment was attended with circumstances of gross and obvious neglect and hardship, and was unknown to the inspectors for a period of at least eight weeks."

Then the third is —

"That the mortality among the insane women in a special hospital for such patients at Tewksbury, was excessive and shocking during the month of May, 1875, and the early part of June."

"*Fourth*, That a former inmate of the almshouse, Phebe A. Brink by name, charges one Reed, lately a night watchman at Tewksbury, with committing fornication, which he more than once solicited, and took place at the State Almshouse one evening in September last."

Then again —

The Chairman. I don't think you need to read them.

Mr. Brown. I simply call the attention of the committee to the fact, showing that that was the method of proceeding on that occasion. And the party making the charges at that time came before the committee with substantially the same statement which is made now by His Excellency, that he did not appear as the public prosecutor; but, nevertheless, upon the request of the committee, the committee having so voted, he did make the charges. And the committee will readily see that it is quite impossible for us to know what we are charged with, or quite impossible for the trustees and managers of this institution to know how to meet that which is well ascertained and well defined. This is a matter which affects not only these gentlemen, but the fair fame of this Commonwealth. It is a matter of such magnitude as to require at your hands all that regard for the due and proper observance of the formalities of law. Certainly I do not insist upon technical proceedings, as in the matter of an indictment; but it is a matter of that gravity which should require in the mind of this committee that consideration which should give to all parties — to the prosecutors ample opportunity for stating their charges, and to those who are to defend themselves, an ample opportunity to meet any charge to be presented. If the charges are unknown may it not be well for the committee to adjourn until the prosecutor can ascertain what he desires to do?

Gov. Butler. May it please the committee, I have only to repeat that I am not here in the position of Mr. Sanborn, who

at that time was chairman of the Board of State Charities, as I am informed, and who chose to make the institution under his charge, under his command, if I may use that word, subject to certain charges. That is not my position at all. As I told the committee, I came here to present certain evidence. When that evidence is heard, if nobody else asks, I will ask that ample time and scope be given for those whom the evidence concerns to prepare for and produce any evidence to meet the charges. That is but just. But I shall not put myself, and do not mean to put myself, in the light of a public prosecutor; that is not my business here and now, and never has been my business. I have had no command of this institution. I have not examined whether the hospital is well ventilated or ill ventilated, and I do not care whether any officer did or did not do bad things. I am here with certain witnesses, to ask them what they know, and everything that they do know. Much of it I have no personal knowledge of, and can know nothing of. The person who made himself prosecutor in that case by preferring charges, was a person who claimed to know; and if he made a false accusation he made it on his own knowledge, because he had seen that hospital and he had seen the women in there, and he knew how they were treated. I do not. But the witnesses that I produce will know. I was asked to produce evidence, or notified that I might produce evidence — for I do not care, sir, about, say the use of words, particularly — any that I had before the committee. I have come here to do it. If the committee don't want to hear that evidence, they are ready to say so, and I bow respectfully to the committee and go home having nothing to do. I have everything with me but a whitewash brush; I have not that. I did not come prepared with any such weapon. I am not here, again I say, with a blacking-brush. I am not going to say anything against this institution in any form of words. I am going to let the witnesses speak, if you will hear them; if you won't hear them, I shall bow to the better judgment of the committee.

The Chairman. I believe the theory of the committee, as far as we have consulted, was that the charges were substantially contained in the inaugural address of His Excellency the Governor. I believe that was the understanding of all the members of the committee. Now if there are other charges not contained substantially in the inaugural message, or perhaps in the veto message of the appropriation bill, it would seem fair that there should be some specification of those charges. The

charges contained in the message, as we understand it, are, substantially, gross extravagance and mismanagement of the Tewksbury Almshouse — that is one of the charges; that 70 per cent. of the appropriation, substantially, is used for salaries; and that there have been from 150 to 250 bodies of babies sold to medical institutions in a year. These, I understand, from looking over the message this afternoon, with some care, are substantially the charges. Now, if the management of the Tewksbury Almshouse are not satisfied to take the charges as they are in the message, substantially, I think the committee would take into consideration the question of further specification. Is that the understanding of the committee?

Mr. Mellen. Well, Mr. Chairman, that is as far as it goes; but I presume that one of the duties of the committee is, under the order, to investigate any charges that anybody sees fit to make against the institution.

The Chairman. Undoubtedly.

Mr. Mellen. We are not to examine some charges made substantially in the Governor's message alone, if there are others presented. If persons appear here we are not to debar them from testifying, are we, even if they testify to any substantial charge not contained in the message?

The Chairman. I take it not.

Mr. Mellen. Then why are we not ready to go on and listen to the evidence that His Excellency the Governor wishes to submit?

The Chairman. I will put the question.

Mr. Brown. Mr. Chairman and gentlemen, I am very happy to reply. Taking the exact words of His Excellency, then His Excellency is here to present evidence. Whether that evidence is to be confined to what is said in the inaugural address, or to something else, we are not informed. If the gentlemen of the committee should adopt the suggestion of the gentleman from Worcester, parties here responding would be in this position: the first intimation of any charge would be received from testimony of the witness when he is presented upon the witness-stand. Here is an institution that has 1,000 inmates. It has had pass through it over 70,000 persons who have been inmates. This committee is very familiar with the character of those persons, their general relation to the society in which this institution exists, and to the Commonwealth. I fancy that it is no difficult thing to get from such a class of

persons charges of almost any character. I fancy that many of the persons there confined would be ready to make charges which would be completely without foundation. Now we are taken at a disadvantage. We have no knowledge beforehand who this witness is who may be presented, what the witness is to testify to, or what about, or when the witness was in the institution. In 1876 the committee deemed it proper in relation to matters there presented, and in some of the charges presented in 1876, I notice that the name of the witness in the particular transaction about which the witness is expected to testify, is stated in writing; so that before the witness took the stand the parties who are responsible for the conduct and management of the institution had an intimation of who was to appear against them, against the management of the institution. Now it strikes us that that is but fair. Certainly if any witness is here it would hardly be fair for me to assume that it is not known what that witness is going to testify to; and I can only repeat what I have said before, that it certainly is but giving us the advantage which we think should be accorded to us, that we should know, if not the charges, certainly the names of the witnesses who are to appear here, so that we may, in some way, prepare ourselves, not for the defence now, — because that we will take care of hereafter, — but, at least, for the cross-examination of the witness.

Gov. Butler. I beg pardon for troubling the committee once more; but in the most accurate of all accurate trials — that upon an indictment — the name of the witness never is disclosed, need never be disclosed, and in practice is not disclosed except where the offence is said to be committed against a given man, and then it may be proved without the man himself, very frequently a man unknown. And I never heard this claim before. I am here to give evidence through the mouths of witnesses, tending to show the facts upon which I relied when I stated to the country — to the Commonwealth and to the country what I did about this almshouse. I can only repeat that if the committee choose to hear me — to hear the witnesses, rather, I have two or three present, enough to occupy the evening; if the committee do not choose to hear them my work is done.

The Chairman. I think the committee understand your Excellency that the charges are substantially in the message; and that your Excellency at the interview with the committee — at which I was not present — intimated as much, that the

charges were substantially what were contained in the message. I think that those charges are specific, and unless the committee order otherwise I think we will hear any testimony that His Excellency the Governor has to submit to the committee. Mr. Mellen, does that meet your view?

Mr. MELLEN. Yes, sir.

TESTIMONY OF DR. JOHN DIXWELL (*sworn*).

Q. (By GOV. BUTLER.) Please give the committee your full name? A. John Dixwell.

Q. Where do you live? A. No. 6 Pemberton Square, Boston, at present.

Q. Where were you born? A. I was born in Cambridge — old Cambridge.

Q. Where were you educated? A. At Harvard.

Q. What is your business? A. Physician.

Q. When at Harvard? A. I graduated in 1870, and from the medical school in 1873.

Q. Harvard Medical School? A. Yes, sir.

Q. Where was that school kept? A. At North Grove Street, near the jail; at the foot of North Grove Street.

Q. In one of the buildings of the Massachusetts General Hospital? A. It is just adjacent to the Massachusetts General Hospital.

Q. Is it under a different corporation? A. That is a separate corporation, I believe.

Q. What is the name of the corporation? A. Well, it belongs to Harvard University, and the Massachusetts General Hospital is a separate corporation which is given that name.

Q. Had you occasion while you were in that medical school to dissect any bodies? A. I had.

Q. How many students were there connected with the hospital at that time? A. There were a larger number than since, because there was no examination for admission. I should think there were 200 or 300, all told; a large number from Canada, etc.

Q. You were there three years. During that three years how many bodies of infants do you think you saw and knew of in connection with that school? A. Bodies of infants?

Q. Yes, sir; young persons. A. Well, I saw several hundred a year, certainly.

Q. Of what ages? A. All infants; all under a year.

Q. Whether they were brought there from time to time? A. They were.

Q. How did they come? A. Well, all those that I saw came on a country team in trunks, — a couple of trunks, — driven into the college building and there removed to the waiting room.

Q. Describe that vehicle, for I want to trace it. A. It was a country wagon. The trunks sat in the wagon and a couple of old buffalo robes thrown over them, and the man sat on top of the trunks.

Q. Did you learn that man's name? A. I did not learn. I did not ask.

Q. Did you hear it spoken? A. Not so that it made any impression on my mind.

Q. Would you know it if you heard it? A. It made no impression upon my mind. I should not know it.

Q. When bodies were brought there where were they put? A. There was a little ante-room at the end of the dissecting-room in which all the bodies, old and young, were put and kept.

Q. How were they stored? A. They were placed in crates and on shelves until such time as the students got ready to use them.

Q. Were those children dressed or undressed? A. Most of them had night-clothes on.

Q. What kind of clothes? Describe them. A. A little chemise, white dress and little bands; nothing on the hands, nothing on the legs; sometimes diapers, sometimes not.

Q. Who had them in charge? A. At that time, in the medical school?

Q. Yes. A. The janitor; one Bill Andrews. He is dead. He suicided in the same building.

Q. That was well. What was his business before he died? A. That I don't know; but I heard him say that he had been in the ring.

Q. Do you mean as a prize-fighter? Was that what you understood? A. That is what I understood.

Q. Describe him a little. Was there any peculiarity about his face or eyes? A. Yes. He was rather a wild-looking man in the face.

Q. Any injury to his eyes? A. His eyes lopped, I think. I think one of them was of poor sight. He was well known in Boston. Everybody knew him.

Q. Can you tell me whether or not those bodies were sold? A. They were.

Q. At what price? A. Well, it varied with the supply. The demand was always good, but the supply was sometimes short. They paid from three to five dollars, and sometimes from two to five dollars a part.

Q. Sometimes three and sometimes five? A. Yes, sir.

Q. Was there any difference as to price as to whether it was a healthy or an unhealthy body? A. No. Because that distinction was always made by Andrews, and he was not supposed to be capable of knowing whether they were diseased or not. He set the price and took the money.

Q. Won't you describe to the committee how they were sold? You were a student, and wanted one; how did you get it? A. An infant?

Q. Yes, sir. A. If I wanted it for myself alone, I went to Andrews and asked him if he would get me a baby. If he had not got one, after a while he would notify me that he had got one. I would take him so much money, he would give the baby to me, and I would take it away in a bundle. The students, so many of those we associated with, would steal anything that was left there, so we generally took them away with us.

Q. You say the bodies were taken away by students? You mean to be dissected elsewhere? A. Yes; at their rooms, or anywhere else.

Q. But if it was not a baby, what was usually taken by a student to dissect? A. Oh, they would take part of an adult. Five would take it; one would take the head, one each arm, and one each leg, dividing it in the middle.

Q. They would take those parts away to be dissected? A. Or not, as they chose.

Q. Whether the students would pay for those parts? A. The students? Always.

Q. How much? A. Well, that would depend, too; always as much as two dollars and sometimes more a part.

Q. Whether the students preferred babies? A. Such as had lodgings and wished to dissect really, preferred babies, because they could handle them at their own places quietly.

Q. During the time how many of those babies do you think you dissected yourself? A. In the three years?

Q. Yes. A. Well, I had several every week — two or

three every week. I suppose I had fifty or sixty a year, certainly. I was very desirous of dissecting, and perhaps I dissected more than my mates; but I certainly dissected several a week.

Q. Was there any difference in price between a baby who had died suddenly, and who was full and plump, and a baby which had wasted away by sickness? A. Distinction in price? None. The distinction in price varied with the asserted lack or increase of supply. We never knew why it was.

Q. This Mr. Andrews said he would charge now five dollars because they were scarce, and three dollars because they were plenty? A. Yes, sir.

Q. And he got it. Will you tell me whether, in dissecting these babies, you found any that seemed to have no cause of death? A. That was frequently the case, that the cause of death was that they were empty; no food, no undigested food, from the mouth to the anus, was found in any large proportion of them. A certain proportion was syphilitic. A very large proportion were viable children, and they could have lived if fed.

Q. And you say that in a large proportion of them you did not find any trace of food? A. Not at all; not even under a microscope of five hundred diameters — frequently found that.

Q. Supposing they had taken any food within forty-eight hours, wouldn't it have been visible? A. Certainly. If the child died from inflammation, it would have shown itself in the condition of the canal.

Q. And would it show that this child had not any food to show that there was no such mark of inflammation or other disease of the canal? A. Yes, because in that case they would not have been viable children. If there had been such an irritation of the canal, they would not have been viable.

Q. And by viable you mean a child that would have lived if it had been well cared for? A. Yes, sir.

Q. Did any of these children show signs of — was there anything to show that there had been anybody who ever did care for them — in their dress; if so, describe it? A. Not being an expert particularly in dress, frequently I showed some of the little clothes to ladies, and asked them whether they were good clothes, and they told me they were. I had a little dissecting house on my father's place in Cambridge, and in the mean time quite a number of these little dresses accumulated.

I asked people supposed to know, and they told me they were nice little clothes. The parents took pains with them. Little edging around the tops, and the quality of the cloth showed that they were good.

Q. Any little insertion and lace? A. Yes, around the neck; frequently trimmed up to show that somebody cared for the child.

Q. Did most of the students there have babies more or less? A. No, not most of them; for the larger part of them were loafers.

Q. Well, most of them that cared for study? A. Those that were students, certainly dissected a large number of babies.

Q. You said several hundred during the three years you were there. Will you state the number you can be certain of in your own mind each year? A. That did dissect?

Q. No, sir; of babies. A. That came to the medical school?

Q. Yes. A. I am unable to say that, because I can only say with surety about those that I dissected, because there might have been a large number, or a small number come in when I was not there.

Q. Yes, but taking your knowledge, how many came in in a year? Of course, I don't expect you to tell the largest number, but how large a number do you know about? A. I know that a number of men beside myself dissected and had all they wanted; and hence, it would be safe to say, that more than those I used would be used. I say I used two or three a week, and certain it was, that several others did the same.

Q. For how much of the year did this continue? A. There was a short summer vacation and a short winter recess. The school began in the autumn, so that really there was dissection — well, for all but about three months of the year. The bodies were dissected in summer when it was so hot that it was not proper to dissect anything. That was before the days of carbolic acid. In such a way it was impressed upon all our minds.

Q. Now, if you please, about how many adults came there? A. Well, there were about ten or twelve tables and they were full all the time. A man would generally be dissecting a week or so on a part. One subject would be on the table not more than a week, and its place would be filled right up again.

Q. Ten or twelve tables each containing one subject? A. Yes, sir.

Q. Now, were you informed at the time where those bodies came from? A. Andrews told me where they came from.

Q. Where did he tell you they came from?

Mr. Brown. I pray the judgment of the committee — a man that is dead and belonged to the ring —

Gov. Butler. He belonged to the Harvard Medical School, too; that was his last performance.

Mr. Brown. I pray the judgment of the committee. We are not trying the Harvard Medical School.

Gov. Butler. I respectfully insist that in a matter of investigation of this description it is competent evidence to show where the man that had the goods to sell said he got them. They might have been of better quality because they came from a certain place. There might have been very many reasons why he would say where they came from. And I show the man having them in charge, and I put it in as a connecting link of evidence that he said they came from Tewksbury.

The Chairman. Is it conceded that the man is dead?

Dr. Dixwell. He suicided in that very building — shot himself.

Gov. Butler. The declaration of a dead man. I would produce the witness if I could get him, and would be very glad to get him.

The Chairman. It seems to me it is purely hearsay evidence; I, of course, submit it to the committee. It is open for the committee to say what they will hear.

Gov. Butler. The man in possession, sir.

Mr. Brown. I say that the object of this investigation is to get at the truth. Now, if we are to reach the truth by having this witness tell us what a dead man — whom he has taken occasion to smirch at the very outset — what a dead man says, under those circumstances, it strikes me we are not getting at the truth at all. This man is stamped as an uncertain and bad character by the witness at the outset.

Gov. Butler. May it please the committee, we are trying to get at the truth, and we have found a man in possession of a very large quantity of bodies — dead bodies — and with a constant supply, more or less frequent, more or less large. And as a part of the thing done, and of what the lawyers call — if you will pardon me — the *res gesta*, he makes the declaration at the time. If he told it yesterday or the day before that, or any time after this investigation commenced, I should say it would not be evidence. But he is telling it at the time that this thing actually was taking place. Dr. Dixwell, I may suppose, asked

him, "Where did you get these, so many of them?" or "Don't they have at Tewksbury some that are of different age?" or something of that sort. A declaration, according to "Greenleaf on Evidence," becoming in that case a verbal act. So much is known; that they come there in trunks, wagons, country wagons — so that they are not city bred — covered with an old buffalo, as ordinary merchandise. Now, would not you — you want to get at the truth — would not you, in the ordinary transactions of life, take that as evidence where they came from? You ask a man at the tail of his cart of potatoes where those potatoes came from, and he tells you. Don't you usually rely upon that in the want of any contradiction? When my friend here will bring in his clients and they tell us that there were not any come from there, why, then, I shall believe that Mr. Andrews lied, but not till then. It is *prima facie* evidence liable to be rebutted.

The CHAIRMAN. It seems to me that this would open the whole question of hearsay evidence. What the witnesss may have said is not, I take it, a part of the *res gesta;* if left to me I should exclude it. I submit it to the committee.

Mr. MELLEN. Now, Mr. Chairman, I should say if this was a court composed of lawyers, it might be well to have a technical point like this ruled upon as I understand you propose to rule upon this; but as it is not, as it is composed of legislators, some who are not lawyers and who have got to determine the question upon the common-sense basis, irrespective of nice technical distinctions that lawyers will make, it seems to me it would be very unfair to keep out this evidence. What is it? It is the statement of a witness about what a go-between, a person who furnished him with bodies from the institution which is under investigation, said. At least, I assume that is what he proposes to tell. The witness is dead. This witness is living. He can tell us what the go-between said, or told him as to where he got the bodies. It seems, as a matter of common-sense, that he should be permitted to tell it, and then we can tell of its worth in relation to any action upon this case.

The CHAIRMAN. This hearing is conducted, as far as we go, by His Excellency —

Mr. MELLEN. What?

The CHAIRMAN. This hearing is conducted, so far as we go on, by His Excellency on one side, and by counsel on the other side. It seems to me that unless the committee is governed

substantially by the rules of law, that there would be no end to the investigation, and no satisfaction if an end is ever reached. I submit the question of course to the committee.

Mr. Mellen. I maintain that we want to get at the facts, whoever the prosecuting party may be. We want to find out whether there is mismanagement at present at that institution, or has been in the past. Now I, as one member of the committee and of the House, would object to any technical legal barrier being raised in order to keep out what I would conceive to be a vital point in the testimony; and I do not think it is fair for a lawyer on the committee, or a lawyer off of it who is defending, to try to keep back evidence as becomes him who is defending the institution. I do not think it is fair to the laymen of the committee that they should so do.

Mr. Brown. May I be permitted to say a word? I have not any desire to keep back anything; not a syllable do I desire to keep back. I have not interrupted this examination, when I might have done it if I had been in a court of law, several times. But the gentleman of the committee has referred to this as a matter of common-sense addressed to laymen. I address the laymen of this committee on common-sense principles, whether either of them would want to be stung by the voice of a man who is dead, repeated to somebody else — a man known to be of bad character, at least so far as this witness's relation of him is concerned —

Gov. Butler. By the company he keeps?

Mr. Brown. Well I don't know how intimately your witness associated with him; I cannot judge of that.

Gov. Butler. Quite intimately with Harvard students, I agree.

Mr. Brown. It has been shown that this man was an improper character, a man of bad character, etc., and I cannot admit that as a common-sense proposition we are to get anything out of it whatever. If the object is simply to allow people to come up, and to allow witnesses to repeat what some irresponsible man said to them on an occasion when he was not under oath, when he was not under the slightest obligation to tell the truth as to a matter of fact, or impression, opinion or anything of that kind, we could sit here until next July, and at the end of the period find ourselves utterly unable by any evidence to meet charges of that kind and character.

Gov. Butler. I would ask for a vote of the committee upon this. I stated in my other piece of evidence that these came

from Tewksbury upon this testimony now given; and I have found the infants; I have seen them cut up here, and I have offered to give one source of the evidence upon which I rely. If the committee think that I should not have that evidence in, why, I may be able to find out farther by and by. But I would like a vote of this committee upon this matter.

The CHAIRMAN. I submit it to the committee. Have any of the committee anything to say?

Mr. MURPHY. I agree with Mr. Mellen in the stand he has taken on this question. I am opposed to the technicalities of the law, and am a simple layman; and it strikes me that the point that has been raised upon the question is one that is uncharitable in the extreme, looking at it from my standpoint. I want to get all the evidence I can, and I want to get it in channels that are familiar to me. If I am to get it through the intricacies of the law, why, I think I am going to see it through a very dark curtain indeed.

The CHAIRMAN. What you see is hearsay evidence.

Mr. MURPHY. That may be. But still, for my information, in order to look upon the question in proper light, I should like to have the question answered.

Mr. GILMORE. I submit to the committee that in bringing these bodies, as represented, there might be such a thing involved as his robbing some cemetery, and then covering up his tracks in this way. It seems to me that it is going out of the way to admit hearsay evidence from a party whose character we do not know anything about.

Mr. CHAMBERLAIN. Mr. Chairman, I for one am willing to listen to all the living, if we can sit here long enough to hear them all; but it don't seem to me that we should take all the dead, or any part of them; and if we are to admit all this hearsay evidence, we can sit here and hear what people say until next autumn, or what people have said. It seems to me it is hardly fair to put it in.

Mr. WOLCOTT. While I admit the proposition that we should not, as a committee of the legislature investigating a public institution, be governed strictly by the rules that might exclude or admit evidence in a court of law, we are asked in this case to admit the hearsay evidence of a man who has been dead ten or eleven years, and while I feel that the time may come when evidence of that sort the committee will have to exclude, I person-

ally am perfectly willing that this question asked may be answered by the witness before us.

[A vote was taken, and the question was admitted.]

The CHAIRMAN. The question will be answered.

Q. (By Gov. BUTLER.) Did you ask him where these bodies came from? A. I did.

Q. Did he reply? A. He did.

Q. Where did he say they came from? A. Tewksbury almshouse.

Q. Was that on one occasion, or more than one? A. More than one. I asked several times.

Q. Was the same question asked about the bodies,—I mean, now, the adults? A. Yes; the contents of the trunks were adults and babies both.

Q. How were they stowed? A. The adult bodies were bent double, and the babies were filled in.

Q. Dr. Dixwell, some years ago were you called before the grand jury of Suffolk County? A. I was.

Q. Did you give the testimony substantially just as you give it here? A. I did.

Gov. BUTLER. The witness, Mr. Brown, is yours at present.

Cross-examination.

Q. (By Mr. BROWN.) When was it you were before the grand jury of Suffolk County? A. I should think it was as much as five years ago. It must have been before I was sick; perhaps six years ago. I was summoned by a stranger who was the foreman. Questions were put to me to the same effect they are here.

Q. Do you know this Andrews's full name? A. I suppose it was William. I called him "Bill."

Q. "Bill Andrews?" A. "Bill Andrews." He was known widely through Boston.

Q. This was the Harvard Medical School that you have referred to, was it not? A. Yes.

Q. How long were you there? A. A full course of three years.

Q. Did you know the character of the institution before you went there? A. No, I had heard of it. My time was fully occupied at Harvard, of course.

Q. I do not understand, doctor. I want to get at the truth and fact as well as I can. I understood you to say that most of those gentlemen you met there were loafers? A. No; I said that all of them did not dissect, and a great many of them were loafers.

Q. And you mean by that, that that was the character of medical students there? A. No; I said that was the character of a certain number of medical students there at that time.

Q. When was that? A. From 1870 to 1873. It was about that date that they made the exclusion of a large number of applicants.

Q. What is your business? A. Physician.

Q. Where? A. At No. 6 Pemberton Square.

Q. Regular practice? A. Regular practice.

Q. What kind of practice? A. You have just answered it by your question — regular practice.

Q. You make no specialty? A. Well, I studied with my uncle, Dr. Bowditch, quite a number of years.

Q. Then you have no specialty? A. I have not.

Q. Connected with any public institution? A. Not at present. Oh, the Massachusetts Medical Society.

Q. Any other association? A. No.

Q. Looking after small children, or anything of that kind? A. Yes, I was general agent of it for several years.

Q. When did you cease to be general agent? A. Three years ago.

Q. What was its full name? A. The Massachusetts Society for the Prevention of Cruelty to Children.

Q. How long were you the agent of that institution? A. Two years.

Q. When did you commence to be the agent? A. I left it three years ago — five years ago.

Q. Doctor, this room you have spoken of was within the walls of the college, was it not, where bodies are kept? A. Oh, it is a closet off the dissecting-room.

Q. And in charge of the trustees of the institution by their janitor or other officer? A. I suppose so, of course.

Q. And it was within your knowledge that bodies came from several places, I suppose. A. It was not within my knowledge at all. I had no idea anything about it except what he said. In fact it would be impossible for me to know.

Q. Have you now stated to the committee all that he told you about that? A. With regard to the answer of that question, yes.

Q. Did he ever tell you that bodies came from any other place? A. Never did.

Q. Never told you that bodies came from out of the State? A. Never did.

Q. It was not within your knowledge? A. It was not.

Q. That a large number came to the Harvard Medical School at the time you were there from out of the State? A. No, it was not.

Q. Institutions out of the State? A. I have already stated.

Q. It did not come to your knowledge? A. It did not come to my knowledge; all the knowledge I had of it came from Andrews.

Q. Doctor, how intimate with Andrews were you? A. No more than any other student. He came in to fix the fire and empty the bucket, and we had to treat him cordially whether we would or not.

Q. Now, as I understand it, this price was fixed by Andrews, and you paid Andrews? A. That is what I said.

Q. And that is all you know about it, in regard to Andrews, the purchase and the payment? A. Yes, sir.

Gov. Butler. There is a question I omitted to ask, Mr. Brown.

Mr. Brown. I am perfectly willing you should put it.

Q. (By Gov. Butler.) If bodies were dissected with bodies of animals — at the time bodies were dissected were the bodies of animals dissected on the same table? A. It might be if there was an animal to be dissected.

Q. Well, sir, whether you have seen the remains of the bodies of animals put up in the same box, and carried off to be disposed of with the bodies of these infants, — such as owls, cats and such?

Mr. Learnard. Mr. Chairman, I would like to know what connection this has with the Tewksbury almshouse, — what took place in the Harvard medical college?

Gov. Butler. Our law, with a commendable degree of care for the institutions of learning, permits, under certain very stringent regulations, bodies not to be sold, but to be given to medical schools. But before they get the bodies they must

give a bond that after the dissection takes place they shall be decently buried, and the whole business conducted so as not to shock the public sense. Perhaps, to be correct, if you have got such a thing as the Public Statutes here I will give you the law. Chapter 81, gentlemen of the committee, "Of the Promotion of Anatomical Science."

[Reads.]

"SECTION 1. The overseers of the poor of a town, the mayor and aldermen of a city, and the trustees and superintendent of the state almshouse, may, to any physician or surgeon, upon his request, give permission to take the bodies of such persons dying in such town, city or almshouse, as are required to be buried at the public expense, to be by him used within the state for the advancement of anatomical science, preference being given to medical schools established by law, for their use in the instruction of students.

"SECT. 2. Every physician or surgeon, before receiving any such dead body, shall give to the board of officers surrendering the same to him, a sufficient bond that each body shall be used only for the promotion of anatomical science within this state, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently buried."

Then follows a provision that notice shall be given of the death of a person when he has any friend. Perhaps I had better read it, it is short.

[Reads.]

"SECT. 3. Persons having charge of a poorhouse, workhouse or house of industry, in which a person required to be buried at the public expense dies, shall forthwith give notice of such death to the overseers of the poor of the town, or to the mayor and aldermen of the city in which such death occurs; and except in case of necessity the body of such person shall not be buried until such notice is given, and permission therefor granted by such overseers or mayor and aldermen; nor without their permission shall the body be surrendered for dissection or multilation.

"SECT. 4. If the deceased person, during his last sickness, of his own accord requested to be buried; or if, within twenty-four hours after his death, any person claiming to be and satisfying the proper authorities that he is a friend or of kindred to the deceased asks to have the body buried, or if such deceased person was a stranger or traveller who suddenly died, the body shall not be so surrendered, but shall be buried."

The unfortunate thing about this law, gentlemen, is that there is no penalty attached to it, I suppose because the legislature

deemed that the sanctity of the human body would be a sufficient protection. Now, I propose to show that these bodies, furnished, as I shall show, — as I have shown, — in large numbers, as I have shown, were frequently, instead of being buried ddecently, put into boxes with the remains of animals and didn't reach even, uncontaminated, a pauper's dissected body's grave. That is what this has to do with this investigation. I am going to show, if I am permitted, that a series of performances have been gone through here with the knowledge of those in charge, without inquiry on their part as to how they were buried or whether the bond which had been given, if one was given, had been fulfilled.

The Chairman. If the Tewksbury almshouse delivered these bodies to the Harvard medical college after a bond was delivered to the management at Tewksbury, why should Tewksbury be on trial for the method of dissection or burial of the bodies? I don't know that the committee object to this, but it does not seem to me important.

Gov. Butler. I will answer in this way. The Tewksbury almshouse had a bond that these bodies should be decently interred, and Tewksbury almshouse never inquired whether they were thrown into a sink or buried with animals, or what was done. If they had had a bond, and been proper people, they would have stopped the supply and would have sued the bond.

The Chairman. As a matter of law, General, do you think they were required to investigate that matter?

The Governor. If you have a bond that anything shall be done, you usually inquire whether it is done in a series of years, don't you? What is the object of having a bond if you never inquire whether it is fulfilled or not? Why does the law require a bond? It is to see to it that the overseers who take the corpse of a poor friendless child or man, and submit it to dissection, make it sure that the remains are "decently buried," in the language of the statute. Whose duty is it to see to that? The board of officers who take the bond: and one of my objections (for I make no charges) to the management of the Tewksbury almshouse is that these poor people, and some of them not poor people, — poor in the condition they were in, — were not decently buried. That is what we do to our friends; that is what the beneficence of our law throws around the poor wards of the State, and requires a bond to be given. And will the committee say that it is not a proper inquiry, whether there

has been such due and proper administration of this law as there should have been?

The CHAIRMAN. Mr. Brown, have you anything to say to this?

Mr. BROWN. I cannot see, Mr. Chairman and gentlemen, how this is a matter which is pertinent to this inquiry. If the charge had been made against the Harvard Medical School, and we were examining it, it would be very proper, but I fail to see that this has any relation.

Gov. BUTLER. The Harvard Medical School is at one end and the almshouse at the other; I am going for both ends.

Mr. BROWN. I must ask His Excellency to take the end that I am looking out for first, and let the Harvard medical college go till by and by.

The CHAIRMAN. I do not think it is competent to go into what the Harvard Medical School does with the bodies, but the committee must decide.

Mr. MELLEN. I should like to know if Mr. Learnard insists in objecting to the question.

Mr. LEARNARD. I do.

Mr. MELLEN. Then I move that the question be admitted.

Mr. MURPHY. I second the motion.

[The motion was lost by a vote of four to six, and the question was excluded.]

Mr. MELLEN. I wish to say right here, Mr. Chairman, that I hardly think it is fair, when a member of the committee objects, for the chairman to ask the counsel who is defending this institution what his opinion might be. I think it is well enough when he feels disposed to interpose any objections to a procedure that he should do it of his own volition.

The CHAIRMAN. I think when His Excellency makes a legal argument to the committee the other side should be allowed to reply, and that is the ground on which I called on Mr. Brown.

Mr. MELLEN. I protest, as one member of the committee, against any procedure that will bring about a division, as this question has, upon party lines. I think it is unwise that the committee shall so proceed, and as I observed, when the last vote was taken, party men voted for or against as they were in one party or the other.

The CHAIRMAN. I protest that this is not so, and I must object to having a party question brought in.

Mr. MELLEN. The fact is the truth, nevertheless, and I wish to say that this line of action that is confining the admission of questions to whether they would be proper in a court of law or not is unfair, and should not be followed here. It is unnecessary and it will only cause a repetition of such a situation, a division on party lines, and I don't think, at the outset, it is fair to do anything of the kind.

The CHAIRMAN. Proceed with the examination of the witness.

Q. (By Mr. CHAMBERLAIN.) You have testified to dissecting bodies of infants, — did you dissect only infants? A. Oh, no.

Q. You dissected adults as well as infants? A. Yes.

Q. How many adults should you think you dissected? A. I certainly had my part a month.

Q. What would that be? A. My part a month would be one arm or one leg, or a head, as the case might be; it would take five days to dissect one adult body.

Q. Did you keep any account, at the time, of the money you paid out for these bodies? A. No, sir; the money was not mine; it was given to me to get my instruction.

Q. You paid out a good deal; I didn't know but you might have kept some account of it. A. No.

Q. (By Mr. MELLEN.) Now, for my satisfaction as a member of the committee and as a member of the House, I wish to repeat Gov. Butler's question, and I wish to know if you saw the bones of these dissected infants on the same table with the bones of animals that were dissected? A. They would not be on the table at one and the same time.

Q. But at different times? A. There would not be room, for instance, upon a table for but one subject.

Q. Did you see them on the same table at different times? A. Yes.

Q. Did you see them removed or put into one receptacle together to be borne away from the institution? A. Yes, sir.

Q. You did? A. Yes.

Q. (By the CHAIRMAN.) At the time you were doing this, doctor, did you know of your own knowledge whether the medical college procured the bodies properly or not, — whether they had given bonds? A. I didn't know there was such a thing as a bond.

Q. You didn't know anything about it? A. Didn't know anything about it, never heard, never knew it till now.

Q. (By Mr. Brown.) You dissected a large number of these infants; did you see that all the parts which you dissected were returned and properly interred? A. I saw they were properly interred.

Q. Where? A. Different places; they were properly interred.

Q. That is, wherever you found it convenient; is that it? A. Wherever I thought was proper.

Q. In other words, whenever any part of a human body was put in your possession for dissection and you had accomplished your object, you then went and buried that part? A. Not those that are dissected in the medical school; those the medical school buried, and I know nothing further about them. Those that I removed to my own dissecting-house in Cambridge it was my business to bury, and I did bury them on my own father's private property, where they have never been disturbed since.

Q. Buried them all, have you? A. Buried them all except such as I have set up in my own study.

Q. You have got some set up now, have you? A. I have.

Q. (By Gov. Butler.) You mean the skeletons, I suppose? A. The bones.

Q. (By Mr. Wolcott.) You said that this Bill Andrews had been a member of the ring; did you mean he was a member of the prize ring? A. I understood he was. He was a rough kind of a man, and I heard among the students he was a member of the ring, or had been once; whether he was in a real prize ring or not, I don't know.

Q. (By Gov. Butler.) Did you see other students pay for bodies as well as you? A. Everybody paid. The hat was handed around when the bodies were brought out. They all had to pay before they could touch a body.

JOHN HENRY CHASE (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name, Mr. Chase? A. John H. Chase.

Q. John H.? A. John Henry.

Q. What is your age, if I may inquire? A. Forty-nine years, sir.

Q. You live where? A. Lynnfield.

Q. Were you ever at Tewksbury almshouse? A. I was, sir.

Q. In what capacity? A. In different capacities.

Q. When did you first go there? A. The second day of April, the year that Gov. Long was elected.

Q. I suppose I ought to remember that, if anybody, but I don't remember what year it was [laughter]. It must have been 1880, I suppose; you went there the following April after he was elected in the fall. A. Yes, sir.

Q. That is, April, 1880? A. Yes, sir.

Q. Will you state, sir, whether you went there to obtain employment? A. I did go there for that purpose.

Q. Did go there to obtain employment? A. Yes, sir.

Q. Who did you see? A. Captain Marsh.

Q. Did you ask him for employment? A. I did, sir.

Q. What did he say to you in answer to that? A. He said he would see and let me know.

Q. Did you then go into employment? A. I did, after he had wrote me a letter.

Q. Do you know how long that was after you applied on the second of April? A. It was before that time I made my application, sir.

Q. You made your application before? A. Yes, sir.

Q. And went there on the second? A. Yes, sir.

Q. Have you a son there now? A. I have, sir.

Q. Did your son go into employment with you? A. He did not.

Q. How long did you stay there in various employments? A. I staid there from the second of April till a year from the next July, from about the fifteenth to the twentieth; I could not tell you exactly.

Q. That is, if we are right, from April 2, 1880, to the fifteenth of July, 1881? A. Yes, sir.

Q. Did your son go into employment at any time while you were there? A. Not at the almshouse, sir.

Q. Not at the almshouse? A. No, sir.

Q. Did he go into employment near there? A. He did.

Q. At whose house? A. Miss Manning's.

Q. It will be necessary to trace Miss Manning, because there is a Mr. Manning; was there a Mr. Manning there while you were there? A. No, sir.

Q. What became of him? A. Worms devoured him.

Q. He was not dissected, then? A. I don't know anything about it.

Q. How long was that before you came there? A. God knows; I don't.

Q. What was the first business that you went into there? A. I had the detailing of the men to work.

Q. By men what men do you mean, the paupers? A. The laboring class of men that were there.

Q. There as assistants or there as paupers? A. Paupers.

Q. Is your son there now? A. Yes, sir.

Q. How old is he? A. Twenty-four, sir, I think; twenty-four or twenty-five, I could not say which.

Q. Do you know what his business is now? A. He has the same position that I held then; the same capacity.

Q. Now? A. Yes, sir.

Q. How long were you employed, as near as you can tell, in the work of detailing the men? A. During the time that I was there.

Q. Had you any other business? A. Yes, sir.

Q. What was that? A. Seeing that the different wards that were there were kept clean and tidy.

Q. What other employment had you? A. I attended to the freight, the light freight at the depot, sir.

Q. That is, you mean such as would go by passenger trains? A. No, sir; such as flour and merchandise of that kind.

Q. In contradistinction to coal and the heavy merchandise? A. No, sir; nor molasses; anything a light team would take.

Q. At any time did you have anything to do with the dead bodies? A. I saw that they were buried; yes, sir.

Q. Anything else? A. I saw they were carried to the chapel for services.

Q. Anything else? A. I used to see them carried back to the dead-house.

Q. Anything else? A. See them carried to the burial ground.

Q. Anything else? A. See them delivered for the city.

Q. What do you mean? A. For dissection.

Q. What sort of a team was it that they were delivered in? A. Sometimes one-horse and sometimes two.

Q. Who received them? Who had the carrying of them away? A. When I first went there, a negro by the name of Charles Benis, or Bemis, or something of that kind.

Q. Who did he work for? A. He worked for Miss Manning.

Q. And she was a sister of the man whom you said was dead? A. I suppose she was; I don't know.

Q. That was understood to be so, was it? A. I never made any inquiries.

Q. Did you see anything of any bodies taken from, or know anything of any bodies being taken from the graveyard? A. Yes, sir.

Q. After they were buried? A. Yes, sir.

Q. Who took them? A. Different parties.

Q. Such as who? A. God knows the name; I don't.

Q. What time in the day or night were they taken? A. Taken in the daytime.

Q. What were they put in? A. Part of them were taken up in the boxes they were placed there in; others brought caskets and they were replaced in caskets.

Q. Did you know whether any of them went to Miss Manning's? A. Never knew one to go there; no, sir.

Q. Knew of her team coming for any? A. Not at the burial ground; no, sir.

Q. Where did her team come for them, if anywhere? A. At the dead-house.

Q. At the dead-house? A. Yes.

Q. Any delivered at the dead-house onto her team? A. Yes, sir.

Q. And driven by this negro? A. Yes, sir.

Q. Who drove that team afterwards? A. My son.

Q. What was his age then, sir? A. Well, you can deduct the time from now to then; I think he is twenty-four or twenty-five, I could not tell you which.

Q. Did you see any taken out of the ground, — whether any went to Miss Manning's team? A. I don't know that they did.

Q. Her team came to the dead-house? A. Yes, sir.

Q. Do you know where these bodies that were taken out of the ground went? A. They went to different quarters. After they were buried, if the friends called for them, if the Captain saw fit to deliver them, at certain seasons of the year, he gave

me orders, or his agents, to go down and deliver them; I done so.

Q. Were these, then, that you speak of, taken out of the burying-ground. A. Yes, sir.

Q. Any others taken out of the burying-ground except what friends came for and that were delivered by order of the Captain? A. He or Thomas J. Marsh, Jr.

Q. And he is the assistant superintendent? A. Yes.

Q. Were there any taken out except the friends came for them, that you know of? A. Yes, sir.

Q. Who took them out? A. I took them out.

Q. At whose order? A. Thomas J. Jr.'s.

Q. In the daytime or night-time? A. Daytime.

Q. What time in the day? A. I could not say as to that, sir.

Q. All times of the day? A. There was not but two of them.

Q. There were two of them? A. There were.

Q. Who helped you take them out? A. Two paupers that were there.

Q. What was done with the bodies, those two? A. I don't know.

Q. You took them out; what was done with them? A. Carried to the dead-house.

Q. How long after they were buried? A. Some week or ten days.

Q. Did you see them after they were in the dead-house? A. No, sir.

Q. Do you know where they went to? A. Go to the city.

Q. When you say "go to the city," you mean go where Miss Manning's team went; the same way? A. Yes, sir.

Q. Won't you describe Miss Manning's team a little? A. Well, the first express wagon that she had, with two horses, was a wagon capable of holding up twelve to fifteen hundred,—a cheap-built express wagon that she told me she gave $150 for, but which any one of common-sense could go out and buy for a hundred.

Q. What was in it; anything; any boxes, trunks? A. I have seen trunks and boxes both in it.

Q. What was in the boxes? A. Corpse.

Q. What was in the trunks? A. Corpse.

Q. What kind of corpses were in the trunks? A. I could not say whether male or female; I didn't examine them; that is something I didn't hanker after.

Q. Were they young people or old ones? A. Older people and young both.

Q. What was the other wagon? A. A light, new wagon that my son bought for one horse.

Q. What equipment had that: what fitting up? A. Had a pretty good equipment for a young man, I should judge, — whip, robe, cushion, cover, boot, robe: had a cover to it.

Q. A covered wagon? A. Certainly.

Q. Any bodies, large or small, or trunks with bodies, go into that wagon? A. Yes, sir.

Q. Which was used first, the small wagon or the large one? A. The large wagon.

Q. You say they "go to the city;" how do you know they go to the city? A. They were directed there, and I had reason to believe from those who drove it that they go there.

Q. Your son drove it? A. He drove it part of the time.

Q. Did you ever go down yourself? A. I did.

Q. With or without your son? A. With him.

Q. Was that when he first began the business? A. Yes, sir.

Q. He was driving, then, for Miss Manning? A. He was.

Q. Where did you drive to? Drove down to the Grove Street laboratory, — Harvard.

Q. About when was that time you went down? A. I think in June or July, I could not say which.

Q. After you came there? A. Yes, sir.

Q. When you got there what was done? A. Drove the team into the stable, and shut the doors to.

Q. What was done then? A. See that the horses were hitched.

Q. What then? A. Take the board down, the straps, take hold of the boxes or coffins and take them out about as quick as I could.

Q. Anybody come there to help you? A. Nobody but my son; yes, there was an assistant there.

Q. There was an assistant? A. There was.

Q. And your son was with you? A. He was.

Q. And you left the dead bodies there? A. Yes, sir.

Q. This Grove Street is close by the hospital down here, isn't it? A. It is, sir.

Q. After that time your son continued to drive? A. He did.

Q. And did he continue to drive for Miss Manning during the time you were there? A. He did; yes, sir.

Q. And you left him driving there? A. Yes, sir.

Q. And he is driving there now, for aught you know? A. He is driving for the State almshouse now, sir.

Q. Did you ever hear any conversation between your son and Mrs. Thomas J. Marsh about the price which was given to Miss Manning for carting these dead bodies? A. No, sir.

Q. Did you ever hear Mr. Marsh say anything about it? A. No, sir.

Q. Do you know, in any way, what was paid for carrying infants? A. No, sir; I know there was nothing paid, sir.

Q. For carrying infants? A. No, sir; not if I can rely on my son's word, and I think I can.

Q. Did he tell you the bargain he made? A. He did not.

Q. Did he tell you what he got for it,— he didn't make the bargain; Miss Manning would make the bargain, I suppose; he was the driver,— did he tell you what he got for doing this work? A. He did, after he took the business himself.

Q. After he took the business? A. He did.

Q. What was it? A. Ten dollars, Harvard; twelve dollars at the female medical college.

Q. Where is that? A. Could not tell you the street, sir; over in this direction; I could find it by going out.

Q. Over towards South Boston? A. Yes, sir.

Q. Ten for Harvard and twelve there; did he tell you at the same time,—what did he say about the infants? A. He told me he didn't receive anything, sir.

Q. Tell you why not? A. He said they didn't give him anything. I told him he was very foolish to do that kind of work unless he received pay.

Q The babies were sort of thrown in, I suppose? A. I don't know anything about that.

Q. While he was at work for Miss Manning, had he any other business than driving these dead bodies? A. Yes, sir.

Q. What? A. He worked upon the farm there, sir.

Q. Her farm? A. Yes, sir.

Q. How far is her house from the almshouse? A. I should judge the twelfth part of a mile.

Q. Close by, in sight? A. Oh, yes.

Q. Did you ever see this cart in which they were carried? A. Yes, sir.

Q. Ever see any marks of what had been on the cart, or what had been in it? A. I could not say that I did, sir; no, sir.

Q. Now, when you went there, I want to get the officers of this institution; the head of it, the superintendent, was Captain Marsh? A. Yes, sir.

Q. And the assistant was Thomas J., Jr.? A. Yes, sir.

Q. And Mrs. Marsh, the Captain's wife, was matron? A. She was; yes, sir.

Q. About how old was that lady? A. I think that she was seventy-eight, at that time, sir.

Q. Seventy-eight? A. I think so.

Q. And about how old was the old gentleman; older or younger than she? A. I think younger.

Q. She was a little older than her husband, you think? A. Yes, sir.

Q. Now, what other officer was there then; who was physician? A. Dr. Lathrop, Dr. Foster and Dr. Cummings.

Q. Three of them? A. Yes, sir.

Q. Was there another of the Marsh family there then, living there? A. Yes.

Q. Who? A. Charles Marsh.

Q. What was he? A. Clerk.

Q. And I suppose he was a son of the superintendent? A. I don't know anything about that.

Q. He was so reputed, wasn't he? A. Yes, sir.

Q. Any other of the Marsh family there? A. No, sir; excepting the wife of Thomas J., Jr.

Q. Charles have any wife? A. He did not at the time I went there; no, sir.

Q. Did he have one afterwards? A. Yes, sir.

Q. Did Thomas J. Jr.'s wife have any place there? A. I think she had the care of the sewing-room.

Q. She had the care of the sewing-room? A. I think so, yes.

Q. Did Charles Marsh's wife have any employment there, after he got one? A. She was not at the house.

Q. Where was she? A. They had a house below there, some distance.

Q. She lived there? A. She did.

Q. Didn't have anything to do with the institution? A. No, sir.

Q. Perhaps I ought to ask you, sir, were you discharged for any cause? A. I don't know whether you would consider it a discharge or not.

Q. How did you go away from there? A. Well, I perhaps drank a little more than I should, and was sick a day or two. I went to the office and told the captain that I had erred and asked him to overlook it, but he shook his head.

Q. What then? A. I staid there that day and Thomas J., Jr., told me to keep along.

Q. What then? A. I told him no, his father had as much as given me to understand that my services were not needed, and I should leave.

Q. What then? A. I packed my trunk, gave a man a piece of tobacco to carry it down to Miss Manning's, placed it upon the wagon and carried it to the depot and then left for out of town.

Q. Did you keep any book of these dead bodies? A. I did.

Q. What sort of a book was that? A. One of those common pass-books.

Q. Did you take that away with you? A. I did not.

Q. Who did you give it to? A. I placed it upon the table as I left the office.

Q. Who was in the office at the time? A. Captain Marsh, Thomas J., Jr., and Charles Marsh.

Q. Ever seen it since? A. No, sir.

Q. What was your pay, please, sir? A. Twenty dollars.

Q. A month? A. Yes, sir.

Q. And board? A. Yes, sir; good board at that.

Q. Who were the men, do you know, that were detailed by you to do the burying? A. For the most part of the time there were two, — one of them was named Dunn, Thomas Dunn, and the other was called Banjo.

Q. Why did he rejoice in that name? A. God knows; I don't.

Q. Was he a white man or a negro? A. He was a kind of a cross, I should judge.

Q. Do you know that when a man died his name was recorded in a book? A. Yes, sir.

Q. Who did that? A. The clerk.

Q. That is, Charles Marsh? A. Yes, sir.

Q. Did you know all the bodies went? A. No, sir.

Q. Did you know whether all the bodies under your charge went away? A. They either went away or were sent away; went away or were carried to Boston.

Q. Did you ever see the overseers of the poor of Tewksbury over there about this business? A. I could not say that I did.

Q. That book of yours would show where the bodies you had charge of went to, would it, if you had it? A. No, sir.

Q. Why not, what did you keep it for? A. I took the account of the deaths and the priest or minister who attended the services, and they were carried to the dead-house or were carried to the burial ground and buried.

Q. Well, speaking about burying, how deep did you bury them? A. Four feet, sir.

Q. Were the graves always filled up? A. They were, those that I attended to; yes, sir; tried to have them.

Q. What portion of the bodies, would you say, of people who died there, did the friends actually come for? A. I could not make an estimate, sir.

Q. A large or small portion? A. Very small portion.

Q. About how many died within the year? A. I think that it was between three and four hundred.

Q. Were any bodies pickled? A. There were; yes, sir.

Q. State the circumstances under which they were pickled? A. They were taken from the boxes or coffins and placed in barrels.

Q. Where were the coffins? A. In the dead-house.

Q. And had the coffins been out of the dead-house with the bodies in them? A. Yes, part of them.

Q. And buried? A. No, sir.

Q. Well, now, won't you tell us and not be quite so monosyllabic, please, not so short in your answers, — tell us a little more in the form of a story about pickling bodies. Here is a body that was pickled, — now, tell me just what was done. A. Placed in the barrels and the pickle poured upon them.

Q. But before that, — we will take the body from the time of the death, till it got into the barrel, and the pickle was poured upon it and it was headed up? A. It was taken and folded in a way it could get into the barrel.

Q. I want you to tell me the method of proceeding. Here is a human body that is going to be pickled; it has not yet got

into the dead-house; what is the first thing done with it? A. It is properly shaved and dressed and placed in the coffin.

Q. Then carried to the dead-house? A. Yes, sir.

Q. What next? A. Carried to the chapel for services.

Q. What next? A. After the time had passed when there was no friends called for it and it had no home, it was carried back to the dead-house and then placed in the barrels; taken from the boxes and placed in the barrels.

Q. It was committed "earth to earth, ashes to ashes, dust to dust," and then taken back to the dead-house and put in pickle? That was it, was it? Funeral services held over it? A. Always; yes, sir.

Q. By a clergyman? A. Exactly.

Q. You had no chaplain at the home, where did you get your clergyman? A. Two ministers that were in the place, — one Orthodox and one Baptist.

Q. And they were paid for their services, do you know? A. Yes, sir.

Q. Where did the casks come from? A. I took them from the cellar where pork barrels were stored.

Q. Then they were the Commonwealth's barrels? A. I should judge they were; yes, sir.

Q. After they were pickled what was done with them? A. Sent to Boston.

Q. Who directed you to do this? A. Thomas J., Jr.

Q. Was this done in any way, or at any time, or under any circumstances, so it might not be known to the rest of the inmates? A. Yes, sir.

Q. Now, won't you tell me how that was? A. The business of that kind was done when they were at meals, or after the working hours.

Q. That is, when the inmates were at meals in the dining-rooms or wherever they eat, then the coast would be clear and that was done? A. I used my own discretion about that; yes, sir.

Q. You took care to do it when it would not be seen? A. Exactly.

Q. How long did this course of pickling continue; all the time you were there in the summer? A. No, sir; a very few weeks, two months at the outside.

Q. These were the two warm months, I take it? A. Yes, sir.

Q. A body would not keep without pickle; where did you get the acids or the pickle? A. It came in barrels, directed there from Boston.

Q. You have told us that they held service over bodies, and then pickled them; I don't know whether you can answer this question or not; but did you ever know of their holding services over some wood in a coffin? A. Yes, sir, I think there were.

Q. Wood, billets of wood? A. Yes, sir.

Q. Was there a body about there about that time that this coffin filled with wood was buried? A. There wasn't one there the size that we wanted.

Q. Not one there the size you wanted? A. No, sir.

Q. Why wasn't there one there about the size you wanted? A. It had left.

Q. Where had it gone? A. Directed here to the city.

Q. And did the friends call for it? A. No, sir.

Q. Did the friends call for the one that had gone to the city? A. No, sir.

Q. A body had left and gone to the city? A. Yes, sir.

Q. And there was a coffin, I suppose, about its size, out of which it was taken before it went? A. Yes, sir.

Q. That was a child, was it? A. Yes, sir.

Q. Now, did the mother come for her child? A. Yes, sir.

Q. And you hadn't any body that would fit that coffin, and I suppose if the mother had looked on it she could have told it was not her child, so the coffin was filled up with wood? A. There was blocks placed in it.

Q. So as to make it reasonably heavy? A. Exactly.

Q. And then that was taken and prayers said over it? A. There were; yes, sir.

Q. And then that was buried in sight of the mother? A. No, sir; I think not.

Q. What was done with it; she was there where the services were held? A. She was.

Q. And she thought the services were over her child, did she? A. I should suppose she might; yes, sir.

Q. You intended she should suppose so, you people? A. I didn't have any intention about it.

Q. The people there intended so; who told you to put in these blocks of wood? A. I don't know that any one did.

Q. How came you to do it? A. Because I had nothing to do any different with; I got out of it the best I could.

Q. Why were you required to do anything? A. Because I know my duty when I went there.

Q. Well, what had your duty to do, when the mother came for her child, with putting blocks of wood in a coffin, and having funeral services held? A. I didn't suppose she would be able to attend the funeral.

Q. But she was, and did come? A. She came; yes sir.

Q. Her child had gone to be cut up, and so she saw the services over the blocks of wood in the coffin? A. She did.

Q. She hadn't any idea there were blocks of wood there? A. I never asked her about it.

Q. You have no idea, now, really, Mr. Chase, that she thought there were blocks of wood; and, of course, the clergyman didn't? Was there a pall on the coffin, — a covering? A. There was a lid; a regular coffin.

Q. And regularly screwed down, I suppose? A. Yes, sir, it was, and perfectly tight; as tight as I could get it.

Q. Did she bring a priest with her? A. The priest came without her knowing it.

Q. What kind of a priest was that? A. A good one.

Q. I have no doubt he was, but what denomination; was he of the Orthodox or the Baptist persuasion? A. He was a Catholic priest, Father Jaggers of Lowell, a perfect gentleman.

Q. And the proper Catholic service was performed? A. I should suppose so.

Q. And the mother went away with the priest, I suppose? A. She returned to her quarters.

Q. Where did she come from, do you know? A. No, sir; I do not.

Q. Didn't meet her at the time? A. No, sir.

Q. Did you ever see Thomas J. Marsh write? A. Yes, sir.

Q. Would you know his handwriting? A. I think so.

Q. See if I can aid you and show you some of it. Here is a letter headed "Commonwealth of Massachusetts, State Almshouse, Tewksbury, April 27, 1881;" that was after you were

there. Won't you look that over, and see whether it is his handwriting? A. [Examining paper.] I should judge not.

Q. Whose is it? Look at the signature; is that "per Charles?" A. I should judge it was, sir.

Mr. Brown. Whose handwriting?

The Governor. Charles. The signature is Thomas H. Marsh per clerk, or Charles, I can't tell which. [The Governor read the letter, which is as follows: —]

Commonwealth of Massachusetts,
State Almshouse, Tewksbury, April 27, 1881.

A. A. Rotch, Esq.:

Dear Sir, — Yours of the 25th instant was duly received. Peter Shields was admitted to this institution from Boston, March 10, and died here March 31. His permit gave no intimation of any friends or relatives. On the day of his death the authorities in Boston who sent him here were notified, and on the 1st April I received answer from them that there was "no home or friends." On the 3d April his remains were sent to the medical department of the Boston University, to be used "for the advancement of anatomical science." (See General Statutes of Massachusetts, 1860, chapter 27.) Had we known the address of any relatives, they would have been notified immediately of his death, and they would have been requested to remove the remains; but, as we did not, we followed the law covering such cases. Under the circumstances nothing can be done about removing the remains. All that can be done is to inform the friends of this fact, and this can be done by saying that the remains have been decently buried, and that the grave cannot now be identified. It is, of course, a matter of regret that his friends were not known to us, but we are within the law in what we did, and it simply remains to inform the friends as delicately as possible, and in doing this I would respectfully ask your kind assistance. The remains cannot be moved.

Very truly yours,

Thos. J. Marsh, *Supt.*
Per clerk.

The hearing adjourned to 7 o'clock, Friday evening, in the Green Room.

SECOND HEARING.

FRIDAY, March 30.

The committee met in the Green Room at 7 P. M., Senator LORING of Worcester, in the chair.

The CHAIRMAN. We are now ready to proceed.

Mr. BROWN. Mr. Chairman and gentlemen: There are a few questions that I want to ask Dr. Dixwell, and he is here. I think I should prefer to ask them now before we go on to conclude the examination of the other witness, but I will leave it to the committee to say.

The CHAIRMAN. What do you say to that, Governor?

Gov. BUTLER. I should have no objection.

The CHAIRMAN. Dr. Dixwell will then be recalled.

TESTIMONY OF DR. JOHN DIXWELL (*recalled*).

Q. (By Mr. BROWN.) Doctor, for the purpose of refreshing your recollection, I will ask you again the date when you entered the Harvard Medical School? A. In 1870.

Q. What time in 1870? A. The summer school.

Q. And when did that commence? Give us the month and the day of the month. A. I cannot give you that, sir, because I do not remember. It was in August, I think, — in August or September.

Q. And then you continued there until 1873? A. I did.

Q. What time in 1873, month and day of the month? A. The spring examination. I do not know the day nor the month; it was the regular spring examination.

Q. So you were there, connected with the school, through the remainder of the year 1870, the entire years of 1871 and 1872, and a part of the year, the early part of the year 1873? A. I was there the three years' course — a full three years' course.

Q. Now, what was your relation to the school in the months of June, July and August, 1871 and 1872? A. In June, July and August, 1871 and 1872 — in vacation, you mean?

Q. I did not say anything in relation to vacation. I want to know what your relation was to the Harvard Medical School during those months of those years? A. I was a student of the school all the time I was there.

Q. Now what were you doing in June, July and August, in 1871 and 1872? A. The school is not in session.

Q. There was not any session during those months, is that it? A. No.

Q. There was in 1871 and 1872 no session during the months of June, July and August? A. There never is.

Q. Am I right? You wish the committee to understand that in those six months, three months in each year there was no session? A. I think I stated the same thing last night.

Q. Well, let us be certain about it. That is a fact, is it? A. Yes, that is a fact.

Q. And were you dissecting in the months of June, July or August, 1871 or 1872? A. I was.

Q. At the school? A. No.

Q. Where? A. At my dissecting-house in Cambridge, as I said last night.

Q. And during those three months in each of those three years where did you get your subjects? A. I always got them from the same source — Mr. Andrews.

Q. And as a matter of fact you wish the committee to understand that in those two years, in the three months of those two years named, you did receive from Mr. Andrews bodies for dissection? A. I do.

Q. You did? A. I did. I said so last night, and I say so to-night.

Q. Now, what kind of bodies did you receive in those three months — take 1871 — of June, July and August? A. Human bodies.

Q. Not the bodies of other animals? A. No; I got those elsewhere.

Q. Were you in the habit of dissecting those during those months at the medical school? A. But the medical school was not in session during those months, as you and I both have said before.

Q. Did you have any access to the building, the medical school building, during these years in the months of June, July and August? A. The janitor lived there. I had access to his oom.

Q. And that is the way you came to go there? At least that is the way you got the bodies? A. I went to him.

Q. Did you take entire bodies? A. Yes, sir.

Q. Whole bodies? A. Yes, sir.

Q. Now, during the months of June, July and August, 1871, how many bodies did you take from that institution through the janitor, Mr. Andrews? A. I have not the slightest means of giving you the number at any time during the whole time, as I told you before.

Q. Kept no record whatever? A. I had all I desired.

Q. Do you make the same answer in reference to 1872? A. I make the same answer in reference to the entire time that I was in the medical school.

Q. The entire time? A. The entire time.

Q. How many bodies did you receive for dissection during the first year you were in the medical school? A. I should think I had already answered that question.

Q. Won't you be kind enough to answer it again? A. I have no means of telling you, sir, how many I dissected at any time; therefore, I cannot tell you in regard to any specific time.

Q. Well, had you any source of information last night, that you have not now? A. No, sir.

Q. Then why did you say last night that you dissected from fifty to sixty in each year? A. Because certainly I had one or two in each week of each month.

Q. Now, where did you get the data by which you arrived at that conclusion? A. Because I went home every Saturday, and every Saturday I received, as I said, material for dissecting over Sunday.

Q. You spent your Sundays in that way? A. I did; a very useful way for a man who is trying to be a doctor.

Q. What means have you of refreshing your recollection as to whether those bodies were the bodies of babies? A. Memory.

Q. Is your memory pretty distinct on that subject? A. That I dissected babies?

Q. Yes, during those six months in 1871 and 1872? A. Yes, sir.

Q. Now, when you went to the medical school, how soon after you first entered did you commence dissecting? A. Very shortly.

Q. Well, within what time? A. Well, within a month or two.

Q. Well, now, at the medical school there were several young men who associated together in dissecting, were there not? A. Yes.

Q. And who were associated with you? A. Oh, different ones at different times.

Q. Name any. A. Dr. Stephen C. Martin. Dr. William Moseley; all the class that I was with the same year at different times clubbed together. They are scattered all over the United States now.

Q. Is there any record kept of the work which each student performs? A. At the present time, do you mean?

Q. No; was there at any time? A. No; I don't know of any.

Q. You did not? A. I do not.

Q. Now, tell me distinctly, don't you know that there is a record that you only dissected one arm during the first term you were at that medical school? A. It does not make any difference about the record, I know the fact.

Q. What is the fact? A. That I dissected more.

Q. How much? A. Just as I have told you. Moreover, I have told you that my work was not confined to the Harvard Medical School dissecting-room, but at my own dissecting-house at Cambridge, where there is no record certainly made by outsiders.

Q. Were you aware of the existence of any record by which it is shown that you never had exceeded the fractional part of a body the first part of that year? A. There could not.

Q. Could not be any such record? A. Because you could not have but a fractional part at a time.

Gov. Butler. Except it were an infant.

Q. What do you mean, then, by telling this committee that you dissected one or two babies each week? A. Not there.

Q. Where? At the Harvard Medical School? You didn't dissect them there? A. I have told you repeatedly that they were dissected in Cambridge.

Q. That is, the most of your work was done in Cambridge? A. I told you so last night.

Q. At your own house? A. At my dissecting-house at Cambridge, built for the purpose, and taken down after I was through with it.

Q. Now, I want you to describe, — you have some recollection, I presume, of those bodies you dissected, — I want you to describe the appearance of any one of them, the peculiarities of it, as well as you can, and when you received the body you are going to describe? A. It is a physical impossibility.

Q. Why? A. It is impossible to describe any one dead body. There is a difference in sex in dead bodies, but we can make no other distinction.

Q. You spoke of certain bodies last night, and the idea was given to the committee that those bodies were the bodies of babies that were starved to death? A. I said there were very many babies that were starved to death.

Q. Well, now, give me a description of the appearance of any of those babies that you think were starved to death. How old was any one of them that you recollect distinctly? A. Any age under a year old.

Q. Will you give us the age? A. You are asking me for the age of a special baby that I cannot remember. I cannot do it.

Q. Take any baby that you dissected, and tell me, if you can, the probable age of any baby that you dissected? A. I suppose I dissected fifty under a year old.

Q. Can you remember whether any of them was under six months of age? A. Any age from one month to six months and to twelve months; but any special baby it is simply impossible for me to name to you or anybody else.

Q. You cannot recollect? A. I can recollect many babies that I dissected, but no special baby.

Q. Have you in mind any particular baby that you think starved to death? A. I have no memory of any special baby that was starved to death, but many such.

Q. Many such. Now, describe the physical appearance of any one. A. Its physical appearance is that of a baby starved to death.

Q. Well, what is the physical appearance of a baby starved to death? A. Emaciated, with no cause for death apparent.

Q. Emaciated? A. Emaciated, and no cause for death.

Q. Is that the only thing you can give us by way of description? Can you describe it in no other way than that the baby was emaciated? A. I think that is a sufficient description.

Q. You think it is? A. I think it is a sufficient description to an intelligent man — with no other cause for death.

Q. Will you give us, who are not so intelligent as you — A. I did not say that, sir, and it is not proper for you to say it.

Q. Will you give us the physical description of a baby that was starved to death? A. If you open a child which has starved to death, from the mouth to the anus you will find very little food, or none at all. If you desire to have me describe in technical terms I will do so; but I have stated precisely what you would find in such a child, — very little food, undigested or wholly digested. The external appearances would be simply those of an emaciated child,—a wasted-away child.

Q. And all those children were in the same condition? A. I did not say all; I said many such.

Q. Well, all those that appeared to have been starved to death, appeared to be in the same condition? A. They were.

Q. How do you know they were? A. I have not said so. I said I recollect many, but I did not mention special cases.

Q. I have asked you to mention a special child. A. And I could not. I came here to tell the truth. You have asked me to tell you something I cannot. Perhaps you doubt it.

Mr. Brown. I do, I confess it.

Dr. Dixwell. Very well, I hope it will be proved that I am as truthful as lawyers.

Mr. Brown. Well, let us leave that.

Gov. Butler. His one or two questions has rather lengthened into a general cross-examination, which was finished last night.

Mr. Brown. Do you object to the examination of this witness?

Gov. Butler. No, sir; I object to the irregular examination of this witness.

Mr. Brown. Well, make it regular then.

Gov. Butler. When the witness is on the stand, and after the direct examination, then comes the general cross-examination; then the general cross-examination is over. Any special question I will give way to; but I am not going to have my whole evening taken up unless the committee say so.

Q. (By Mr. Brown.) Doctor, why did you leave the Society for the Prevention of Cruelty to Children? A. Because I thought I could do better elsewhere, and a better man could fill my place.

Q. Is that the only reason? A. That is the only reason I had.

Q. Did you have any trouble with the officers of the institution? A. Yes; I could not agree with them on this very point in regard to the sending of children to Tewksbury.

Q. That was the only matter of disagreement? A. No; certainly not. There were others.

Q. What was the other? A. I think you would have to ask them rather than me.

Q. Was there any other matter of disagreement that you knew of? A. They found fault with me as they would find fault with any other agent.

Q. What fault did they find with you? A. Oh, various; the faults of man.

Q. Such as what? A. Now you are asking me to speak for another person. I cannot do it. No specific charges were made against me or my management, though I requested it.

Q. And you have no knowledge of any charge which was made against you except what you have stated? A. I have not, because I requested that they should do so, and they made none.

Q. Was one of the charges made against you that you had not accounted for all the funds that came in your possession? A. It was. There was no charge, you understand, made in any case whatsoever. I requested that charges should be made to me, but none were made.

Q. Why do mean to say that that was one of the charges, if none were made? A. If you wish me to go on —

Q. Just explain. I want to know the whole business. A. Mr. Herbert Wadsworth, a personal friend of mine, when he was a little the worse for liquor, made certain statements to me with regard to some of the business that I had carried on for him in his absence yachting — that I had not done as well as I might have done in regard to sharing the money between the men and the home, I having given them the use of my residence for an office for the time. He stated that he was not satisfied, as treasurer. I told him that if he was not satisfied there was but one way to settle it, and that was to see who was in accord. I therefore demanded of him to say whether or not he was satisfied; and he has said in writing that he was perfectly satisfied. You have asked me, therefore, to state publicly that which was an entirely private matter, and which had

nothing to do with the matters of the society. It would have been more manly, I think, to have summoned Mr. Shimmin, the president.

Q. But that was one of the charges? A. It was not a charge. It was between Mr. Wadsworth and myself, — a private matter.

Q. An accusation? A. An accusation which was taken back in writing, which writing is in the possession of my father. It had nothing whatever to do with my leaving the society, — nothing whatever.

Q. Now come to another question. What did you undertake to dissect these babies for? For what purpose? A. To advance my knowledge of medicine.

Q. In what particular? A. Surgery and anatomy.

Q. Well, in what particular surgery and anatomy? A. I am sure I have not the faintest idea of what you mean.

Q. Well, did you wish to examine muscles, and for that reason take a baby subject? A. I wished to examine the human body and see what it was — learn what it was.

Q. Is that customary among medical societies? A. It did not make the slightest difference to me what the custom was. That was my custom; and it is the only way I think that anybody can learn the human body.

Q. By examining babies? A. Anything that he can get in the way of a human body.

Q. Well, is that all you can tell this committee that you have had these babies to make examination for? A. I do not know what other possible use could possibly be made of them, I am sure.

Q. Did you find their muscles pretty well developed? A. Developed to study by. The internal organs were just as well developed to study by.

Q. Could you regularly trace all the muscles of the leg or arm in a baby not a year old? A. Well enough.

Q. Well enough? A. Very well.

Q. Very distinctly? A. Always can. Dr. Porter will tell you the same thing.

Q. (By Gov. Butler.) I understand, doctor, as bearing on this matter, last night you told us that you and the students preferred to take a whole baby at the same price rather than a head or a leg or an arm of a body, to take home with you. A. Yes.

Q. And that was the preference of other students that were studious, I suppose? A. There were several others who did the same thing. I don't know whether they had dissecting-houses of their own. They had rooms of their own and carried children to their rooms.

Q. (By Mr. BROWN.) Can you give the names, doctor, of any who took babies to their room? A. I can.

Q. Please do so. A. I remember distinctly, Dr. William Moseley and I dissected several children at his room.

Q. Where does he live? A. At Baltimore — a practising physician there, in good standing.

Q. Anybody else? A. Well, you are asking me to tell a fact. His name suggested itself to my mind. There are plenty of others who did.

Q. You do not remember any others? A. There were others I do not remember.

Q. (By Mr. MURPHY.) Would you have come here, doctor, to give testimony if you had not been summoned? A. I certainly should not.

Q. That is, had you any personal reason for coming here to testify? A. Not the slightest. In fact, I risk getting the enmity of my own profession by coming here and stating what facts I knew. I suppose I have incurred the ill-will of a great many fellow physicians by telling what I have stated. I certainly should not have come here on my own motion. I even went to my counsel, Messrs. Sohier & Welch and asked them if I could avoid it, and they told me I would run the risk of contempt if I did not. Therefore I had to come. I came to-night because I was summoned again.

GOV. BUTLER. Not by me.

Dr. DIXWELL. I got a summons. I have no idea whom it came from. I supposed it came from you.

Q. (By the CHAIRMAN.) In whose employ was the man Andrews, at the time you were in the medical school? A. I supposed he was in the employ of the medical school.

Q. Did you have any knowledge whatever where these bodies came from, except what he told you? A. Not the slightest knowledge except as I stated. And this I desire to restate, because it has been stated that I said they came from Tewksbury. I have not the faintest idea where they came from, except by hearsay evidence.

Q. When did you first make public your knowledge of this

matter? A. When I was forced to do so, before the grand jury, some — I think four or five — years ago.

Q. What was the result of the hearing before the grand jury? A. It was not a special case, as I remember it, because the two juries were in one room. I was called upon by a stranger to appear before the grand jury. I went there, and they were apparently winding up their affairs at the end of the year, or what not — I knew very little about such matters — and they asked me questions as here; to the same effect as here.

Q. Was there any indictment found against anybody? A. If so, I know nothing about it. It was simply they asked me just as here, and I answered as here. They then tried to make me say that I knew where they came from, and I told them at that time as I say here, that I did not know where they came from.

The Chairman. Perhaps that is a matter of record, Gov. Butler; is there any objection to stating what the result was?

Gov. Butler. No, sir. There was no result.

The Chairman. There was no bill found?

Gov. Butler. Ah, but there was no accusation made. I will be frank and tell you what I understand about that. I understand that the foreman of the grand jury, who had had some connection with these institutions, wanted the grand jury to know these facts, and he had this witness summoned before the grand jury and he detailed such facts as he did detail, and that was all there was of it from the beginning to the end. I only want to say, doctor, that this was not any summons of my procuring. It was done by the committee, if at all.

Mr. Mellen. I would ask, Mr. Chairman, if it was done by the committee. I did not understand that there was a subpœna issued.

The Chairman. By the committee; yes, sir.

Mr. Mellen. By request of Mr. Brown.

The Chairman. Yes, sir.

Testimony of John Henry Chase (*resumed*).

Q. (By Gov. Butler.) Mr. Chase, we had got through with the mass over the billets of wood, last night. For a moment I will go to another subject. When you first came there, were there a great many, were there any considerable number of children — infants, I mean? A. Yes, sir.

Q. At some time we know that the plan of keeping them was changed at Tewksbury. How long were you there before the time of keeping a considerable number of children was changed? A. Some two months, I should judge, to the best of my ability, that they were changed to other quarters.

Q. Were there any considerable number of children born there as well as those who came there? A. Yes, sir.

Q. How many children should you say were there in the three months that you were there? A. I was there some fifteen months.

Q. Well, before they made the change? A. I could not make any estimate at all.

Q. You cannot give us the number? A. No, sir; I cannot.

Q. How many of those were buried so far as you know? A. The most part of them, sir.

Q. You told us last night of one or two bodies that were taken up? A. Yes, sir.

Q. By the order of the assistant superintendent. And you told us what was done with them. I want to know now, sir, whether any change was made in the grave. A. No, sir.

Q. Was there any head-board put over the graves, or cross, or anything to mark the grave? A. Always.

Q. Did the head-board or cross remain over those that were gone? A. Well, if it was there when the body was placed there and when the body was taken up, I should place it back again. I could not say as to that, sir.

Q. You would place it back? A. I should; yes, sir.

Q. Were there any marks or inscriptions on those crosses? A. Excepting made by a pencil mark.

Q. What was that pencil mark? The name or number? A. The name, and the date of death and age.

Q. Made simply in pencil writing? A. Yes, sir.

Q. Well, it might have been written heavily? A. It was at times.

Q. At times; and at times, not? A. Yes, sir.

Q. I don't know whether you know this fact, but I will ask you; was the hair cut off of any of the bodies? A. I never knew anything of the kind to be done, sir.

Q. How did you keep the record; by the name of the person or the number? A. The name, sir.

Q. Were there many christenings at that institution? A. Well, I should consider never a great many; no.

Q. Suppose a young, unchristened, unnamed baby died, how would you keep a record of it? A. Well, I should not take any notice of it at all. Put down the name and death.

Q. The name and death? A. Yes, sir.

Q. Well, did you take of those young babies any record whatever? A. All of them.

Q. Well, if they had not a name, how did you know? A. When the foundlings were brought there I had no occasion to.

Q. Why? A. Because I had no orders to do so.

Q. When a foundling was brought there? A. Yes, sir.

Q. Did you take the name of the foundling at all in any way? A. No, sir.

Q. Make any record of it when it died? A. It might have had some name given it while it was there.

Q. And it might not? A. It most always had a name given it.

Q. Take the case of a child born there and not christened? A. It had a name given to me, and I always recorded it in this book.

Q. Now you spoke of those bodies being packed in trunks? A. Yes, sir.

Q. The body of an adult would be bent up, you say? A. Yes, sir.

Q. And would occupy the bottom of the trunk, I suppose? That was so? Then where were the babies put: on top? A. There were no babies ever put into any trunk that I ever saw yet.

Q. Well, into a box? A. They were merely put into a common, small coffin.

Q. And were they put into the wagon? A. Yes, sir.

Q. Were the small coffins put into the inside of any package or enclosure? A. No, sir; put into the wagon.

Q. Simply put into the wagon. How many in the wagon? A. I never knew but two grown corpses put in a wagon.

Q. How many infants? A. I don't know that I ever knew of more than two of those at a time.

Q. Two grown people and two infants? A. I don't know that I ever knew two of each to go at a time.

Q. I believe you told me that you did not go with them but once? A. I did not.

Q. Then that was the condition of things when you went? A. I think not.

Q. Well, how many did you have on board at the time you went down with your boy? A. I had a different freight from that; I had barrels.

Q. You had barrels? A. I did.

Q. How many? A. Four.

Q. Did you have any children on board? A. No, sir; not that I know of.

Q. What time of the year was this that you went down? A. I would not say whether it was June or July.

Q. But summer time — warm weather? A. Yes, sir.

Q. What proportion, as near as you can say, of the people that were brought there died? A. I could not make an estimate, sir.

Q. Can you give me any idea? A. I cannot.

Q. Say that there were two hundred and eighty-seven came there in a year, — that there were two hundred and eighty-seven guests in a year, — could you give us any idea of what proportion of those were people that were brought there? A. No, sir; I could not.

Q. Did anybody come there — any other physicians from other parts to get dead bodies? A. I never knew of one, sir.

Q. Do you know any that were sold to anybody? A. I do not.

Q. Let me go to another subject. You, at one time, you say, were in charge of the light freight? A. Yes, sir.

Q. Was there any portion of the Marsh family that lived in Exeter, N. H.? A. Yes, sir.

Q. What portion? A. I think Capt. Marsh had a daughter, Mrs. Atwood.

Q. She had a family? A. She had.

Q. And lived in Exeter? A. She did.

Q. Now, will you state whether you know that the washing of that family at Exeter was sent up there to be done? A. No, sir; I do not.

Q. Were there trunks passing backward and forward? A. When they came there they sometimes brought a trunk with them.

Q. Were there trunks passing there at other times between the two places? A. Yes, sir; there might have been.

Q. I know there might have been. I should not have asked

the question if I had thought it was impossible. Were there trunks passing at other times? A. Yes, sir.

Q. Did they pass through your hands? A. No, sir.

Q. Didn't you take them down to the depot? A. Never.

Q. Did you see them there? A. Yes, sir.

Q. Did you see what was in them? A. No, sir.

Q. At no time? A. No, sir.

Q. Did you see any boxes sent to Exeter? A. No, sir.

Q. Did the Marsh family have any other daughter living anywhere married? A. Yes, sir.

Q. Where? A. I could not say; I think at South Boston.

Q. Were they there frequently? A. Very seldom, sir.

Q. Were the others from Exeter there frequently? A. They were there more frequently than the daughter at South Boston.

Q. Will you tell me, Mr. Chase, where the goods and supplies were kept? A. Well, the flour was kept in the straw-barn and in the bakery; and the groceries were kept in the store-room.

Q. The clothing where? A. In the store-room.

Q. The clothing in the store room? A. Yes, sir.

Q. Who had charge of that? A. Well, a young man; we called him French Joe.

Q. An inmate? A. Yes, sir.

Q. Did he have charge of the store-room and groceries? A. Well, he delivered the goods; the keys were kept in another room.

Q. What? A. He delivered most of the goods.

Q. What did he do in the other room? A. The keys were kept in another room.

Q. He delivered most of the goods? A. Yes, sir.

Q. By goods you mean groceries and the clothing? A. Yes, sir.

Q. Were they kept together? A. I think they were: yes, sir.

Q. Did the superintendent or the assistant superintendent have anything to do with the delivery? A. I have often seen them in there.

Q. Delivering or putting up goods? A. No, sir; I could not say I ever did.

Q. How was the delivery of goods made to the kitchen, for instance? If they wanted sugar or tea or coffee, or anything

else in the kitchen, what was the course of business in delivering it? A. They had their packages to go there with and they got them.

Q. Had what? A. Packages of different kinds.

Q. What do you mean by packages? A. I mean to say, that if they wanted molasses, they took a jug, and if they wanted sugar they took it in a paper box or firkin.

Q. Wouldn't it be in a firkin already, sir? A. What, sir?

Q. Why, the butter, for instance. They would not take a firkin from the kitchen to get butter in? A. No. I spoke in regard to sugar.

Q. They would go with a firkin for sugar and that would be taken to the kitchen? Were inmates employed there? A. Yes, sir.

Q. Had they tin boxes to get groceries in, such as tea and coffee? A. I think there were some.

Q. Were there not regular tin caddies or tin boxes, such as you get at provision stores, passing for convenience from the store-room to the kitchen? A. I do not know that there was ever any special package of that kind kept there: I could not say that there was.

Q. French Joe delivered these things? A. He did.

Q. Was that all the time that he was there and you were there? A. Yes, sir.

Q. You left him there. Somebody from the kitchen came for sugar. How did he deliver it: fill up a package? A. I think there were scales there, sir.

Q. There were scales? A. I think so.

Q. Did he weigh it out? A. I think he did.

Q. Did he measure it out, if it was to be measured? A. Yes, sir.

Q. And that was his charge, was it? A. I supposed so at that time. I had very little business with that department.

Q. Were you in the insane department at all? A. Yes, sir; I passed through, in and out.

Q. Anything more than passing through? A. No, sir.

Q. Did you ever see any of the insane cause the women trouble? A. No, sir.

Q. There was somebody to take care of them there, I suppose, without you? A. There were.

Q. I believe that is all, with a single question. Did you go anywhere into the public service from there? A. No, sir.

Q. Did you afterwards go into the service at Danvers? A. Yes, sir.

Q. To whom did you refer when you made your application at Danvers? A. To Dr. Goldsmith.

Q. Who was Dr. Goldsmith? A. The superintendent of the insane asylum.

Q. Did he ask you where you had been at work or employed, or who you knew that he could refer to? A. Oh, yes.

Q. You now understand me? A. Yes, sir.

Q. Well, to whom did you refer? A. I referred him to Capt. Albert Mansfield, chairman of the selectmen of Lynnfield.

Q. Did you tell him of Mr. Marsh? A. I did.

Q. Do you know whether Mr. Marsh wrote him a letter about you? A. He did, after I had been there some number of weeks.

Q. Did you see it? A. No, sir.

Q. Did Dr. Goldsmith read it to you? A. He did.

Q. Recommending you? A. He did, sir.

Q. How long were you at Danvers? A. I think about three months, sir.

Cross-examination.

Q. (By Mr. Brown.) Why didn't you stay at Danvers longer? A. Didn't care to.

Q. You left voluntarily? A. No, sir; but I wanted to leave before.

Q. You were discharged? A. Yes, sir.

Q. At your own request? A. No, sir.

Q. How then? A. Because I happened to get drunk; so Mr. Supervisor says to me, "Go get your pay," and I gladly went and got it.

Q. When was that? A. At the time I left.

Q. When was that? A. I could not state now.

Q. What year? A. The present year.

Q. Where were you from the 15th of July, 1880, to the time you went to Danvers? A. Attending to my business.

Q. Where? A. In different places.

Q. Name one? A. Well, Lynnfield.

Q. Any other? A. Yes, wherever I chose to go.

Q. Where did you choose to go? A. That is for me to know, and for you to find out.

Q. Won't you be kind enough to tell us? A. No, sir; I will not.

Q. Why not? A. I don't care to.

Q. Why don't you care to? A. Well, you can go on talking.

Q. Is that all the answer you will make? A. Yes, sir; to you.

Q. Won't you be kind enough to tell the committee where you were employed? A. No, sir.

Q. Why not? A. I don't care to.

Q. Why don't you care to? A. Keep on talking.

Q. Is that all the answer you make to this committee? A. Yes, sir.

Q. How came you to leave Tewksbury on the 15th of July, 1880? A. I told you yesterday about it.

Q. Tell us more about it? A. I was discharged from there, as you call it; call it what you have a mind to.

Q. What was the occasion of your being discharged? A. Why, I happened to get drunk, as the rest of you do.

Q. Do you refer to the Governor now, or to me? A. I do not refer to him, sir, by any means.

Q. Now, was that the first occasion of your getting intoxicated while at Tewksbury? A. I don't know but I may have been so before; others did so in the same capacity.

Q. Well, I am talking about you? A. You may talk all you want to. You can find out. The record is kept, and you can get it.

Q. Well, now tell the committee whether that 15th of July was the first occasion when you got intoxicated at Tewksbury? A. No, sir.

Q. How many occasions before that? A. Two, sir.

Q. The third time? A. The third time; yes, sir.

Q. When was the first time? A. I could not say now; it was some months after I had been there.

Q. When was the second time? A. I could not say.

Q. Guess, as near as you can? A. I cannot make any estimate about it.

Q. Well, on those occasions you had a good, solid spree, I understand? A. You can judge for yourself what they were.

Q. Well, tell us about it? A. You are a better judge than I am.

Q Well, tell us all the facts about it? A. I have told you all I shall.

Q. You had delirium tremens, didn't you? A. No, sir; not there.

Q. Where did you have delirium tremens? A. Don't know that I ever had them.

Q. Well, do you know whether you did or not? A. I don't know as that is any of your business.

Q. Is that all the answer you make? A. Yes, sir.

Q. What did you do before you went to Tewksbury? A. Got an honest living.

Q. Doing what? A. Doing what I saw fit.

Q. What did you see fit to do? A. I don't know as that is any of your business, neither.

Q. Why don't you think it is any of my business? A. Well, go on

Q. Is that all the answer you make to this committee? A. Yes, sir.

Q. Why won't you make another answer? You are not ashamed to tell us, are you? A. Keep on.

Q. Why didn't you refer to Mr. Marsh when you first went to Danvers? A. I did, sir.

Q. Why didn't you get a note from Mr. Marsh, a recommendation, when you first went to Danvers? A. Because I had a good recommendation with me at the time.

Q. How long had you known Mr. Marsh? A. I had known him since I was a child.

Q. What were you doing at the time you first went to Tewksbury and applied for a situation? A. I was around trading.

Q. Trading in what? A. Horses, carriages, etc.

Q. Horses? A. Yes, sir.

Q. Where was your residence? A. Lynnfield.

Q. How long had you lived there? A. Some eight or nine years — eight years.

Q. Did you have a family? A. I have a respectable one.

Q. You did at that time? A. I have now.

Q. And they lived at Lynnfield? A. They did.

Q. Did you do anything else during the eight or nine years you were at Lynnfield except to trade horses and carriages? A. Yes, sir.

Q. What? A. I was in a shoe shop in Lynn.

Q. For whom did you work in Lynn in a shoe shop? A. Warren Newell & Son.

Q. Anybody else? A. No, sir.

Q. How long did you work for Warren Newell & Son? A. Some two years and over.

Q. What did you do for the rest of the time, six or seven years? A. I have told you once; I was around trading horses and carriages.

Q. So that for the nine years prior to the time you went to Tewksbury, except two years when you worked for Newell & Son, you were trading horses and carriages? A. Yes, sir.

Q. Now what did you do prior to that period referred to, that you say covered nine years, do you recollect? A. I was around trading in different things.

Q. In your testimony yesterday I understood you to say that you thought between three and four hundred persons died in Tewksbury during the first year you were there? A. Yes, sir; I made that remark.

Q. How did you get at that number? A. I think by a report I saw there.

Q. Not from personal knowledge, but simply from the inspection of a report? A. I think so; yes, sir.

Q. Do you know what year that report covered? A. No: it was during the year I was there.

Q. Was it a printed report? A. I could not say as to that.

Q. When did you first communicate these facts to any person? A. What facts?

Q. These facts that you have testified to—after you left Tewksbury. A. I never communicated the facts to any one.

Q. Well, do you know how anybody knew that you knew this matter? A. When the detective came to me and made inquiries.

Q. What detective? A. Mr. Innis.

Q. Mr. Innis? A. Yes, sir.

Q. What is his full name? A. I could not say.

Q. Did you ever see him before? A. I don't know that I ever did.

Q. He told you his name? A. He did not.

Q. How did you find out Mr. Innis's name? A. He came after me and asked me questions, and I told him I had nothing to say.

Q. Then did he give you his name? A. No. I asked him and he told me afterwards that it was Innis, and that he was a detective.

Q. Did he say what institution he was in the employ of? A. No, sir. I should judge by his appearance that he was a State detective.

Q. A State detective? A. I should say so.

Q. Did he say at whose instigation he had been to see you? A. No, sir.

Q. Did he say anything about how he came to know your name? A. No, sir.

Q. Or that you had any information? A. No, sir.

Q. No conversation? A. No, sir.

Q. Where did he find you? A. In Lynn.

Q. When was it? A. Some two or three weeks ago—I don't know but four.

Q. Did you have more than one interview with Innis? A. No, sir.

Q. After you saw Mr. Innis did you see anybody else and have conversation with them about this matter? A. I did.

Q. Who? A. I had a summons for me to appear. He gave it to me and I appeared.

Q. Where was that? A. In the hall here.

Q. That is, when you were summoned to be here yesterday? A. Yes, sir.

Q. Well, between the time when you saw Mr. Innis first and the time when you were summoned, did you have any conversation with anybody about this matter? A. No, sir.

Q. With no person whatever? A. I don't know that I did; no, sir.

Re-direct examination.

Q. (By Gov. Butler). I only want to ask you, sir,—when you were at Tewksbury where did you get your liquor? Did you get it from the institution? A. I did,—part of it.

Q. Got part of it from the institution? A. Yes, sir.

Q. Who gave it to you? A. Dr. Foster.

Q. One of the doctors of the institution. Where did he get it, do you know? Did he get it out of the dispensary? A. He did.

Q. Why did he give you liquor? A. At the time we were packing those dead bodies in barrels, the liquid was so astringent that myself and Thomas J. Marsh, Jr., down there, could not endure it. And after we had packed one or two barrels, we were obliged, each barrel, to go outside and remain out.

And after the first lot of four barrels were packed I was taken sick with a cold, and Dr. Cummings and Lathrop both gave me some medicine; and a few days after taking their medicine, Dr. Foster said to me, "Chase, what is the matter with you?" Said I, "Dr. Lathrop says it is hay fever." He says, "Hell! Hay fever! you come down to the dispensary and I will fix you up with something different from that." I went down, and he gave me some brandy, some whiskey, and a package of powders to take; and I took them and they cured me.

Q. It made you drunk? A. I kept along a week or so and finally it had some effect upon it. I took the medicine as he prescribed and was cured — dead cured. But the next lot kind'er twisted the thing around different.

Q. Well, how did that affect you? A. After I took enough of it I was sick from the effects of it. Then I suffered the suffering of all and wound up and got well.

Q. Were those the times, or either of them, when you got drunk — when you say you got drunk? A. Two out of the three times it was from the dispensary there, sir; and the third time commenced there and wound up at Lowell.

Q. That was after you went away? A. No, sir.

Q. This was the last time? A. The last time I left there and went to Lowell.

Q. You got liquor at the dispensary which had effect upon you, and you went away and you were discharged, took your money and went to Lowell — A. Yes, sir.

Q. And there got more liquor, I suppose; and those were the only times, you say? A. Yes, sir; during the time I was there.

Q. (By Mr. Wolcott.) I wish to ask one question, referring to what was said last night about billets of wood being put into the coffin. I did not understand whether that was spoken of as an isolated case or as one of a class of cases that happen frequently? A. No, sir; only one case; that is all.

Q. (By the Chairman.) I want you to describe, Mr. Chase, your journey from Tewksbury to the medical college in Boston; when you started, how long it took you, and how you delivered your goods. A. About five hours it would usually take to run in from Tewksbury to Boston, according to the travelling.

Q. Was the journey made in the night? A. No, sir; never.

Q. Now, supposing you were doing that for yourself, what would be a fair price to take a body from the dead-house, as you describe, load it on to the wagon, drive with it to Boston, and deliver it to the medical college? A. If I was going to make a business of it, I think ten or twelve dollars is cheap enough; I should judge so; I would not do it for that if I had any other way of getting a living.

The CHAIRMAN. Governor Butler, the books are present, and the clerk of the Tewksbury almshouse, if you desire to see them, this evening.

GOV. BUTLER. Yes, sir. I don't think it will be well to stop the committee to examine them now, sir. I would ask him to put them at my disposition, so that I can examine them without detaining the committee; if that would be the pleasure of the committee.

The CHAIRMAN. I have no doubt of it. I don't know what books you want to examine. There is a cartload of them. If you will indicate what you want —

GOV. BUTLER. I want to get the record of deaths, the record of burials, and the books showing the account of this business that we have been inquiring about.

The CHAIRMAN. And no other books?

GOV. BUTLER. All the books of contracts, showing contracts made with anybody.

The CHAIRMAN. Running back how long, Governor?

GOV. BUTLER. Well, I should say three or four years; all those books that I have been speaking about with the contracts, — I should say about four or five years, back to 1878. I would a little rather have them before the campaign of 1879.

The CHAIRMAN. Yes, sir; it is proper that they should go in for that year.

Q. (By Mr. PUTNEY.) Mr. Chase, I would like to ask you one question. Do you know who paid the teamsters for taking these bodies to Boston? A. Yes, sir.

Q. Who was it? A. Thomas J. Marsh, Jr.

Q. Do you know by actual knowledge what the price was? A. No more than I was told last evening.

Q. Ten or twelve dollars? A. Yes, sir.

Q. For each body? A. Yes, sir.

GOV BUTLER. Not reckoning in infants.

Q. (By Mr. PUTNEY.) For infants no charge was made? A. I was told so, sir.

Mr. Chase. Mr. Brown, you have commenced with slurs upon me; I have some papers in my pocket that I would like to have the committee look at and compare reputations with you.

Gov. Butler. Let us see the papers, sir.

[The witness produced a lot of papers and handed them to the Governor, who, after examining them said]: Here, may it please the committee, are highly commendatory letters. I need not take the time of the committee by reading them all. Here is one from Mr. Newhall.

Mr. Brown. I pray the judgment of the committee how this can be competent.

Gov. Butler. There are some half-dozen of them, — yes, more too, — from various persons he has worked with and who have known him all his life, giving him a high character. The witness wants them, in justice to himself, put in; I don't want them.

The Chairman. I can't see what weight it would have unless we have proof of who the parties are. I don't care to go into what the recommendations are worth.

Mr. Mellen. Unless there is an attempt to impeach his character hereafter.

Q. (By Mr. Mellen.) I would like to ask the witness if he is on good terms with the Marsh family? A. Never had any reason not to be, sir.

Q. Would you have come here from your own free-will if you hadn't been summoned? A. No, sir; I came here because I was obliged to come, and I have told the truth. But, gentlemen, the half has not been told. I am willing to go to Tewksbury with a shovel and show things just as they are.

Q. Won't you be kind enough to tell us the half you haven't told? A. No, sir; but perhaps I will, if you want it.

Mr. Mellen. That is just what we do want to know, Mr. Chairman.

The Witness. (Addressing Mr. Brown.) Let him go to Tewksbury and see, if he wants to. He can't beat me with the law or a club.

Mr. Wolcott. I submit that the witness shall not be allowed to use such language to the counsel on the opposite side.

The Chairman. (Sternly.) You may step aside, Mr. Chase.

Gov. Butler. The committee can call him for the other half; the half he has told me is sufficient for my purpose.

CHARLES H. DUDLEY (*sworn*).

Direct examination by Gov. Butler.

Q. Give me your full name, Mr. Dudley? A. Charles Howard Dudley.

Q. Where born? A. In the town of Winthrop, Me.

Q. How old? A. Forty-three years old last August.

Q. How long have you lived in Massachusetts? A. About thirteen — between thirteen and fourteen years.

Q. Did you ever live at Tewksbury almshouse? A. Yes, sir; I did.

Q. When did you go there? A. I went there in the year 1876; it was either the eighteenth or twentieth of November of that year.

Q. Had you ever been there before? A. Never had.

Q. For what purpose did you go there? A. I went there, first as a night watchman.

Q. You went there to get a situation, I suppose? A. Went there to get a situation.

Q. Did you know anybody there? A. No, I didn't know any one.

Q. Who did you first see there? A. I first saw Captain Marsh; after going from the depot to the house, he was the first man that I saw.

Q. The first man you saw there? A. The first man I saw to have any conversation with.

Q. By "Captain Marsh" you mean the elderly Marsh? A. The elderly one.

Q. Now, won't you, as near as you can without my asking you questions, state what you said to Captain Marsh and what he said to you about employment? A. I and my wife went there. We arrived there somewhere about eight o'clock in the evening,— a little earlier or a little later, — we were shown up to Captain Marsh's sitting-room and he made some inquiries where I had been, what business I had done, and told somewhat of the management of the institution in a general way, and that was all. He said my position would be that of night watchman; that the night watchman was to leave, he and his wife, and my position would be to take his place, me and my wife.

Q. As night watchman? A. As night watchman.

Q. What was your wife to do? A. She was watch-woman, night watch-woman. I asked him what the duties of the night

watchman were. Says I, "Have you any rules?" Said he, "No, we haven't any particular rules; but, as you have been in institutions, you know about what the duties will be." Well, I told him, says I, "Different institutions vary, of course. There are different surroundings and different regulations, different rules." Well, says he, "Mr. Elliot, that was on your duty, he will tell you in regard to the rules." That was about all that was said that night about the rules; he said Mr. Elliot would be up sometime during the next day, and that I should go on duty the next night. I went to bed that night and got up in the morning and went looking about the institution to gain what information I could in the daytime in order to be prepared to go on duty that night. I felt a little worried for fear that I could not perform my duties as night watchman. I had left an institution where the rules were very strict —

Q. What institution was that? A. Northampton.

Q. Insane asylum? A. Yes, sir; the insane asylum; and I wished to have some information so that I would know whether I was doing my duty or whether I was neglecting it. I wanted something to go by. Sometime during the day,— I don't recollect whether it was just before dinner or just after dinner, it was before I saw Mr. Elliot had got up,— I went into the office to see Captain Marsh to have another talk with him to see if he would give me any point what the duties were to be. I told him, says I, "At other institutions I have been they have printed rules and a rule book," and I didn't know but what they had there. But he said they had not. I referred to him to find out what one rule might be, or what the principal duties of the night watchman were expected to be. Well, says he, "You know about what to do." Well, said I, "I don't know what to do here." Well, said he, "You want to use your own judgment with regard to that." Says he, "One duty will be, if you see this building afire," said he, "you come and inform me immediately," — come and "awake me," or "rouse me," — I don't recollect the expression, but go and inform him immediately. "But aside from that," said he, "don't see too much." Said I, "What did you say?" "Aside from the building's being afire, don't see too much." He repeated it twice. "Very well," said I, and the conversation at that time ended. At some three or four o'clock in the afternoon Mr. Elliot, the man whose place I was to take, got up; made his appearance.

Q. And to whom you said you were to go to get the rules.

A. Yes, sir; and get information. I think Captain Marsh introduced me to him and told me, "This is Mr. Elliot, and he will show you what to do." I commenced going around with him, visiting the different buildings; that was before dark, and after supper, — had supper about six, — I was to commence my duties for the night under his directions; he was to show me. He had made out a sort of a schedule of his rounds that he had adopted himself for his own convenience, and he said that worked very well with him; that he could make his time come around more conveniently by going by these stated rules that he had made out. I told him I would like to have his copy, or a copy of the rules. He said he would make me out another one; he wanted to keep his, the one he had, and he would make me out another one that evening or sometime during the night. We commenced our rounds; we went around the different buildings, and he showed me what he did, — went through the male department at the almshouse proper; we visited what they called the branch hospital, and crossed the court to the insane building and what they call the keeping-room, and made a trip to the barn to see in regard to the horses and cattle, oxen and cows; and he took me, that night, down to the dead-house, — the dead-house is just back of the barn. He told me there was where they kept the dead. He had a key and unlocked the door and we went in. There were two coffins there; white, board coffins.

Q. You mean unpainted board, I suppose, by white? A. Yes, sir; unpainted, common pine boards; they was not stained nor painted. Said he, "Here is where they keep the dead; and," said he, "you will see considerable work done here nights; and," said he, "if you are disposed to do any work of this kind nights, you may get fees for it." I told him I hoped I hadn't got so low as that. Well, said he, "If you are a mind to, I have done a little of this work and had some recompense for it." Well, said I, "I don't wish to have anything to do with that." Well, said he, "Perhaps they won't approach you with anything of that kind." I told him I hoped not. While he was talking he opened one of the lids and I saw a corpse. That was about all that was said that I recollect, at that time, at the dead-house.

Q. Did he say anything to you afterwards upon this subject? A. Yes; during the night he spoke to me again about it, and he told me—he said—"These things that you see nights will have to be kept still."

Q. A little louder for that; I don't hear it. A. "These things," he said, "that you hear around here nights, you will have to keep still about." I was mystified about such things —

Mr. BROWN. Never mind; that isn't of any account.

GOV. BUTLER. Oh, yes, it is; go on, sir.

WITNESS. Because I was not used to affairs of that kind that occurred at night; I never had seen anything of the kind, and I asked him some questions in regard to it.

Q. State those. A. Said I, "Shall I be obliged?" Said I, "Does my duty oblige me to assist in this work?"

Q. In what work? A. In assisting in taking off the dead in the night, or helping load them, or packing them. He said, "No, not unless you are obliged to; but if you do that you get a certain recompense."

Q. Say what that recompense was? A. Well, said he, "They will give you a five dollar note, occasionally, and that comes handy in addition to your salary, your pay. Then, during the night," said he, "you are your own man here."

Q. You are your what? A. Your own man; own boss.

Q. Boss of your own time, do you mean? A. That is, you can do as you are a mind to, as I understood it; "you are your own man, you can make your rounds or you can leave them out." He had down on his schedule to visit the insane building twice; but, said he, "You can go over there once or you no need to go at all."

Q. Twice in the night, I suppose? A. Yes; twice in the night, from six o'clock in the evening till six o'clock in the morning; "because," said he, "no one knows whether you go there or not." I told him I didn't want to shirk duties of that kind; if I was to take the night-watch's position I intended to do my whole duty; and, said I, "I feel the responsibility of this duty." Well, said he, "You might in some institutions, but here everything is in such condition that every one looks out for themselves."

Q. Go on, sir. A. And there was a great many other things that was said during the night that I didn't really understand, and the night wore away. We made two or three trips around; he left out one of his trips and I went around alone. I told him I guessed I had been around the route; I followed his directions and he left the next morning. I think he slept part of the day and went away that afternoon. The next night I took charge myself; that is, alone.

Q. Before we come to that, before we let Mr. Elliot go — you haven't given us so I understand clearly, if you understood it, what you were to do; what did he tell you, if anything? State more particularly what it was supposed you were to do about dead bodies in the night-time. A. That would be to assist in loading them.

Q. Assist who? A. A Mr. Manning.

Q. What? A. A Mr. Manning that came after them.

Q. Assist in loading them? A. Yes, sir; and assist in taking some up from the burying-ground — assist in packing.

Q. Did he tell you under whose direction you would be in doing that? A. Under Thomas Marsh, Jr.; the young Thomas. Mr. Elliot told me that he had the charge of the dead bodies.

Q. Anything else that you remember that Mr. Elliot told you on that subject? A. Yes; he told me that if I wished to stay there, that I had got to get inside of the ring, and I asked him what he meant by that. "Well, you must get inside of the Marsh family." I told him if that was the case, and I was obliged to do such work, that I should not get inside the ring, and didn't think I should want to stay there a great while. Well, said he, "As long as you do stay you have got to keep on good terms with the family." That is all that I can recollect.

Q. Did he tell you anywhere where these bodies went to that used to be loaded for Manning, — why they were taken from their graves and sent away, and where? A. I think he told me that some was sent to Boston, and some were sold to other parties.

Q. To what other parties? A. I asked him to what other parties, and he said to country doctors, out in the country.

Q. Did he say what they sold them for? A. Well, I think he told me they were sold for five dollars apiece; that is the impression that I got, and I am quite positive that Mr. Elliot told me that Thomas J., Jr., got five dollars apiece for these bodies.

Q. When; after they were carried away or before? A. If they were sold at the dead-house and the parties that bought them came after them.

Q. Tell you whether Manning paid for them, or whether he was working for Marsh? A. He told me that he was working for Marsh.

Q. Very well, sir; if you don't recollect anything else of the instructions you got from Elliot, we will proceed. Where

was your wife to watch? A. She was to watch the female side, that constituted the wing of the almshouse proper; that contained the females, and the foundling hospital where the babies were kept.

Q. The baby ward? A. The baby ward; that was a separate building, separate from the almshouse proper.

Q. Did you go to your duties as night watchman? A. Yes.

Q. Did you get any other instruction than this of Mr. Elliot's? A. That is all the instruction I got.

Q. From anybody? A. From anyone.

Q. How long did you stay there? A. I was on the night-watch from the 18th or 20th of November till the 9th of the next July, 1877.

Q. And your wife? A. My wife was in the same capacity as female watch.

Q. For the same time? A. For the same time; we both left the night-watch together.

Q. What were your wages in that employ? A. My wages was twenty-five dollars a month, and her wages were twenty-one.

Q. And found? A. And found.

Q. Found in everything? A. Yes; board and washing, and everything.

Q. Lights and fire? A. Yes, sir; all found.

Q. Except clothing? A. Except our clothing.

Q. Now, sir, I should like to ask you some of the things you might have seen, possibly, in your night-watch experience. In a short time did you see any boxes there? I don't now refer to coffins, but other boxes; and, if so, when? A. I saw several times, say three or four times, boxes in the centre building. When I made my trip through the men's wards and passed near the centre building, near Capt. Marsh's sleeping-room, or just the story below, I would get around there, usually, at about ten o'clock, — that is, before we commenced to count the inmates; but after we commenced to count the inmates I would get around there earlier than that.

Q. At some time you commenced to count the inmates? A. Yes; we didn't count them when I first went on to the watch, and I don't recollect how long I had been on the watch when there was instructions came from the State House that the numbers were not correct, and there was some trouble in

the numbers: they didn't know how many they had, and we were instructed to count them after they retired.

Q. So as to get the whole number. A. So as to know how many we had.

Q. Every night? A. Every night. Soon after the bell rang at eight o'clock for retiring, say twenty minutes or a half an hour, — we gave them that time to get to bed, — then we went around and counted their noses. That was the instruction I had from the clerk.

Q. What clerk? A. The clerk of the institution, Mr. Charles Marsh. He said there had been some trouble at the State House with regard to the number, that it hadn't been correct, and now we had got to count noses.

Q. I ask you now, how soon after you came there did you observe anything? A. I had been there some three weeks, and I noticed, as I went through the corridor, two dry-goods boxes sitting in the corridor. Why I noticed them was because I had to turn out to go around them; they were in the corridor I went through. Of course I didn't think anything about them at that time, didn't know but there had been an invoice of goods: that was all right. That was about ten o'clock. I made another round, and came through there at about half-past eleven, and then I went to the barn, the insane building, and took in the branch hospitals; eat my supper at about one, or dinner, — we usually took our midnight meal at one o'clock, — then I started again. These boxes were very near what was called the old men's ward, and I used to go in there a little oftener than I did into the others.

Q. The aged paupers? A. I used to go in there a little oftener because there was a great many blind in that ward, and they was liable, either to fall out of bed, or get up to get something, and get bewildered and get lost, so that I made my trip there at about half-past one, or twenty minutes of two. At that time the boxes were gone. I looked to see where they could have been moved to, and I saw marks on the floor that indicated that they had been moved towards the front door. I had a little suspicion, but not much, at that time. In a week or ten days afterwards —

Q. Before you leave this, — did you find out whether they were at the front door? A. I went to the front door.

Q. Were they there? A. They were not there.

Q. Well, go on. A. A week or ten days afterwards I saw some more boxes, and they disappeared in the same way.

Q. Did you see them at the same time, and did they disappear between the same times? A. At the same time.

Q. Now, if you will describe to the committee about what size these boxes were. A. These boxes were about three feet square, perhaps a little more than three feet; they were quite large dry-goods boxes.

Q. Well, sir. A. I think the third time —

Q. About how long intervals between these three times? A. Well, two months; it might have been two months and a half, but not far from two months.

Q. That is to say, at intervals you saw this three times during two months, or two months and a half? A. Yes, sir. It occurred to me, after I saw the second lot go away, what that mysterious word, "Don't see too much," was. I, of course, had suspected things were not right, and after that I took more notice of things that were moved in the night. The third time that I saw these boxes there I had so much suspicion that I wanted to satisfy my curiosity still further, and know what these boxes contained. I didn't know but what some one was robbing the house, and that I should be implicated, or that I ought not to allow such things to take place. I went and got a screw-driver. — I saw the tops of the boxes were put on with screws, quite heavily screwed down, — and took the covers, or part of the covers, off the boxes, and I found that they contained different articles of dry goods, such as sheeting, bedspreads, blankets, soft wool blankets, curtains, pillows, and pieces of silk; also pieces of carpets, either Brussels or imitation of Brussels carpets. This was as near as I found out of what the contents were, and I took out several pieces and satisfied myself what they were.

Q. Did you examine all three of the boxes, or two? A. There was only two.

Q. Both boxes? A. There were only two sent at a time; I examined both of the boxes. I put the covers on, and screwed them down. I tried to tip one of the boxes over to see the other side, but was unable to do so, and left it; it was too heavy.

Q. Let me inquire right there: of course, in carrying on the examination you must have had light? A. I always carried a lantern.

Q. Was there any mark or direction on the boxes as to where they were to go to? A. Not that I saw: if there was it was on the other side, and I could not tip it over to see.

Q. Why; too heavy? A. Too heavy: I should judge the box would weigh at least four hundred pounds, — that is, I should guess. I thought I would keep a little watch that night, to see if I could find out where those boxes went to. And during my supper hour —

Q. You mean at the one o'clock meal? A. I got up from the table, and went through to the front part of the house, to the front door, and I saw there a wagon standing backed up to the door. I went around the other way, and I heard some one moving those boxes, and I went in easy, and saw two men rolling those boxes towards the door. I set out to stop them, and demand what they were there for. But I had been warned before by Mr. Elliot to look out what I did, and I had also been told by Capt. Marsh not to see too much; and I was afraid I was going to get into trouble if I stopped them. I went around until I saw that it was Manning's team, and then I was satisfied that it was all understood, and it might be dangerous for me to interfere.

Q. Did you know the two men, or either of them? A. Mr. Manning was one, and I would not say positively whether it was his negro with him or not. They had a bull's-eye lantern on their wagon, and I could not see enough to discern whether it was the colored man with him or not.

Q. What sort of a wagon was that, sir? A. This was a two-horse wagon, quite a large, stout wagon, sufficient to hold the load of two horses, and had a very peculiar rattle to it. You could hear it in the night, when it was still, for more than half a mile, and perhaps a mile.

Q. Did you know the wagon that Manning had with which he moved those bodies? A. It was the same wagon. The wagon drove away, and I called the attention of my wife to it as it was going down the lane or down towards the station. She saw the light, and she asked me at the time what it was, and I told her that it was some one moving goods, and that it was the wagon we had heard before. When we were at the back side of the building we had heard this wagon two or three times before, or perhaps more than that: and it had a very peculiar rattle. And my wife asked me who that was teaming so late in the night.

Q. Did you see how far it went; whether it went to the station or not? A. I watched the wagon by the light until it went out of sight in the woods towards a little station called Fay Station.

Q. What? A. A little station very near there called Fay Station.

Q. Is that the main station to the establishment? A. No. That is a flag-station, as I call it, although they have a little building there for passengers to step into, or put bundles or freight.

Q. On the main road? A. On the main road.

Q. Now, were those blankets, or were any of those goods new? A. They were mostly new. They were all new with the exception of those pieces of silk.

Q. Pieces of what? A. Pieces of silk: those were not new. I saw two boxes afterwards moved away in the same way, and that was all I saw. It was not long after that before we were changed into another position, — before we took other positions.

Q. Did you know at the time whether there was living anywhere another of the Marsh family by the name of Davis? A. Yes, sir; I know of a family living at Exeter, N. H., by the name of Davis, — a daughter.

Q. Who married a Davis? A. Who married a Davis.

Q. Do you know of anything going out of the institution that went there? A. I don't know where those boxes were intended to go. The Davis family came there very frequently. They stayed there perhaps half of the time.

Q. What? A. They stayed there perhaps half of the time. One of the daughters was there all of the time until she was married.

Q. How much of a family was there of the Davis family? A. All that I knew was two girls and one boy.

Q. The boy about how old? A. He was some seventeen or eighteen at that time.

Q. How frequently did he come there? A. He would come four or five times during the summer, stay two or three weeks at a time; always carried a trunk home with him, and failed to bring one when he came.

Q. He was like a horse at a country tavern: came empty, and went away full? Well, how large a trunk? A. It used to be about as large a one as they could get. They had a great

many trunks come there that were brought there by inmates: some were large, some were smaller, and this was usually as large as could be selected.

Q. They were not exactly Saratoga trunks that came with the inmates, I suppose? A. There were very few. I saw three or four, perhaps, of the Saratoga trunks.

Q. Did you have any curiosity to know whether the trunks went away full or were simply trunks? A. I had the curiosity to be at the gate, and lift those trunks occasionally.

Q. Were they empty or full? A. I should judge they were quite full by the heft.

Q. The boy came there, and went away with trunks: how about the girls? A. The girls were the same; one of them was there all of the time, the other came occasionally.

Q. Was she doing any duty there? A. Not any; no.

Q. She was living there, then? A. She was making her grandpa a visit.

Q. Now, you have already told us that according to Elliot's instructions the dead-house was on your round? A. Yes, sir.

Q. Did you go there every night? A. Every night; yes, sir.

Q. At any time did you find that bodies had been removed in the night-time? Won't you state about that? A. I used to make my first trip at the barn about nine o'clock. I would go through the horse barn, where the horses were, and then where the cattle were — the cows and oxen, — and then go back down by the dead-house to see if the door was left open. I did not go into the dead-house every night, but I would go in very often; perhaps two or three times a week. I went into the dead-house at one time that I recollect about, and I saw four bodies, or four coffins: I looked into the coffins to see if they contained bodies, and there were four, one in each coffin. This was somewhere not far from — it might have been quarter-past nine or half-past; it was in that neighborhood. The next time that I visited the dead-house —

Q. The same night? A. The same night.

Q. What time? A. It was about half-past two. I was called to the stable. One of the horses was cast and making a noise and I was called down there. And I went to the dead-house and saw those coffins had disappeared. Instead of lying down on horses that they set them up on, they were standing up

on the end in another part of the building. It occurred to me that those people had not come to life and stood themselves up, and I wished to ascertain how that could be. I went to turn one of the coffins around and saw it was light — no one in. I looked in another part and I saw a larger box.

Q. That was one of the coffins which was light, such as you have spoken about? A. It was light. I hefted them all, and found they were all light. I looked into one. And I found another box; it was a large box that they use to send bodies from the State prison to be buried there. They had a large square box that enclosed a coffin. Those were saved out and put up in the dead-house, set up in the dead-house to be sold to any one who wanted them at two dollars apiece.

Q. If I understand it those were such as we see coffins enclosed in? A. Yes, sir. I was told they were sent from the State prison and that they were for sale.

Q. Let me see if I understand this. In addition to the dead that die there, do the dead come from the State prison to be buried there? A. I was told by Thomas Marsh, Jr., that that was the fact. The reason why he told me was that I asked him what those boxes were and what they were for, and he told me those were sent from the prison to cover the coffins, and he took them off and saved them. One of those boxes — the State prison boxes, as I call them here and as they were called there — contained the four bodies that were in the coffins on my first round. I opened them and saw that they were smallish-sized bodies.

Q. Very well. Any other time did you see — A. I was going to say — if you will excuse me — that when I made my last trip to the barn I had the curiosity to go and see if those bodies still remained there; and the box was gone, with wheel-tracks from the dead-house leading down towards the cemetery or the depot.

Q. Wheel-tracks? A. Fresh wheel-tracks.

Q. Was that all that night? Q. That was all that night; yes, sir.

Q. Take another night when you observed. A. At the time, I think it was the 25th night of May.

Q. What year? A. 1877. The baker, Mr. Barrett, came to me as I stood up near our watch-room, on the platform, and told me that some man had got out the back side of the building. That was either the keeping-room or the chapel, — a new

building that was built the year before I went there, — and had gone down between the barns; had either got out of one of the windows there or out of the long sick-hospital that ran parallel with it. He told me that some man had got out of a window, and he thought it would be well enough for me to look out for him, because he was afraid he had gone down across to a man by the name of Kelly to get some liquor and would make trouble for me before morning. I told him I would look out, and see when he came back and see who he was.

Q. What time in the night was this? A. This was about ten o'clock. I had made my first trip to the barn and was going to make another trip through the wards as he came in through the gate and told me this. I went down through the gate to wait until this fellow came back, as I supposed he was an inmate, that he might not get liquor smuggled through to give to other inmates. I set my lantern down in the coal-shed behind the coal so it would not show, and went down between the two barns, behind one of the barns where the dead-house is — the other barn is where they keep tools — and I went down between that barn and the next barn to wait for this party to return. While I was standing there looking across I heard a noise. I found that the noise was at the dead-house, away perhaps eight or ten rods. I went down still nearer, so near that I could see that there was a horse and wagon — a horse and an express wagon backed up to the dead-house.

Q. Was this the Manning wagon we have talked about? A. No, this was a common express wagon. I was a very short distance away and I heard parties talking very low; there were two men there and they were talking very low; and they loaded this box very quick and the man started off at a very rapid rate.

Q. In an express wagon? A. In an express wagon. The other party stopped to lock the door and I started back for my lantern; and I stopped at the end of the barn, and I saw this party, that had locked the dead-house door, go up between the barns; I followed along; it was quite dark. I followed along very closely to him — I had on rubbers so I went very easy — to find out who this was. He went up to the dispensary window in the sick-hospital, which is a long brick building, and the dispensary room is in the centre of this building. He hoisted the window and got in. I took my lantern as soon as possible in order to ascertain who that was. At that hour the sick-hospital was closed,

and the doctor's office was closed up before that hour. In order to ascertain who that was, I took my lantern and went through the gate very quick. I got around there in season to see the party come out the other side and come down towards me. I was so near the party, that I knew it was the same party who went into the window, because he had on a rubber coat and a sort of a rubber cap hauled down over the eyes pretty well.

Q. Would rubber overalls answer the description? A. I won't say it was rubber overalls, but rubber cap and long rubber coat. I went right up towards the party, expecting to find that it was some inmate, and I was going to take charge of him. When I got close to him I saw who it was and said I: "I have got you now." He threw up his hat and I saw who it was.

Q. Who was it? A. That was Thomas J. Marsh, Jr.

The CHAIRMAN. We will stop here, gentlemen.

Gov. BUTLER. It is as good a place to stop as anywhere, Mr. Chairman.

Adjourned to meet at 2 P.M., Monday, April 2.

THIRD HEARING.

MONDAY, April 2.

The committee met in the Green Room at 2 P.M., Senator LORING of Worcester in the chair.

GOV. BUTLER. Are you ready to go on, Mr. Chairman.

The CHAIRMAN. We are ready.

GOV. BUTLER. I beg the committee's pardon, but just as I was leaving my office, a gentleman, a State officer, called in relation to official business. He was going out of the city, and I had to wait for him a moment.

TESTIMONY OF CHARLES H. DUDLEY (*continued*).

Direct examination by Gov. Butler.

Q. Mr. Dudley, when we adjourned at the last hearing you had said you met a man whose movements you had described, and that it was Mr. Thomas J. Marsh, Jr. Did you speak to him? A. Yes, sir.

Q. Go on now and state what you said to him and what he said to you. A. The remark I made was, "I've caught you now." As he threw up his hat I saw who it was.

Q. And you saw it was Mr. Marsh? A. I saw it was Thomas J. Marsh, Jr.

Q. What was said? A. He asked me, said he, "Was that you down there at the barns?" Said I, "Yes; I was making an extra round." "Did you see anything?" he asked me. Said I, "Yes; I saw you loading a box from the dead-house." Said he, "Keep still; don't say anything about this; we have got to have some pay for our trouble taking care of these critters," and passed toward the house.

GOV. BUTLER. Speak a little louder.

The WITNESS. He told me, said he, "Keep still; don't say anything about this; we have got to have some pay for our trouble for taking care of these critters," he called them: and passed very quickly towards the house.

Q. Towards what house? A. Towards the almshouse — his rooms in the almshouse.

Q. Now, sir, what was the next matter that remains in your mind that you saw there while you were night watchman? A. There were several things occurred during my term as night watchman, but I will only relate what was most impressive upon my mind.

Q. I only want that which rests fully and freshly in your mind. A. There was one incident occurred of a man being brought in there at about four o'clock in the afternoon — between four and five o'clock. He was in a state of intoxication, handcuffed and legs strapped — bound. He was brought by some officer from Boston; I don't know the name. I had got up. My usual time of getting up was about three o'clock in the afternoon. I was at the gate-house when he came in. He did not stop at the office, but was carried directly to the cell beyond the office, under the men's ward. They had cells there at that time with six rooms in the basement, that have since been taken away, and this man was placed in one of those cells. Of course he was not under my jurisdiction or care until I commenced my rounds after supper, about six o'clock. When I commenced my rounds after supper, I visited the cell, as I did two or three times and sometimes four times during the night. I went into the cells. They were full. This man was near the middle cell. I think he was the second. As I proceeded in, his was the second or third cell, I won't be positive which.

Q. Full of what? A. Inmates that had come in that day. I think all the cells were full with the exception of one.

Q. You mean by that drunken or ordinary inmates? A. The ordinary inmates that came in at night. I saw this man was very much excited and appeared to be violent. I tried to talk with him, but he was in such a condition that his language was very incoherent, and he seemed to be in a bewildered state. During the night I gave him water two or three times. I think he took water to drink only once, and the other times he knocked the dish out of my hands. He remained in that cell during that night. He had nothing to eat; nothing carried him to eat. The next morning I left him; I visited him the last before I went to bed. The next night he remained in a very similar condition, although he had a plate — a tin plate — with two slices of bread and a potato sitting near the cell door. I gave him water twice, I think, that night. The next night,

which was the third night, he seemed to be in a sinking condition — seemed to be a man that was very sick — and I immediately went to the office and told Capt. Marsh that that man in the cell was very sick and needed attention. "Well," said he, "I will tell Dr. Lathrop about him." I was fearful that he might forget it and went to tell Dr. Lathrop myself, and he said, "I will see to his case." I commenced on my rounds again. When I went into the cell the man remained in the same condition; his food that was first carried there still remained there untouched, and had not been changed. I tried to get him to take water and to wet his lips. He did not seem inclined to drink. I visited him four times during the night and wet his lips that way. I found that he was to have no other attention, from the physician or any one else, with the exception of what I was to do. I had no direction to do anything for him. The next morning he seemed to be in the condition that I thought he would not last a great while, and I went to the office and wrote in large letters, on a piece of blank paper, "The man in the cell is very sick, and I think won't last but a very short time," so that some one might, before I retired, be informed to look out for him. That day I got up about three o'clock and went to the office; there was no one there. I went over to the other office — "French Joe's office," as it was called — and asked him what had become, — or I asked him if that man in the cell was still alive. His reply was: "Oh, he died some time this forenoon." I told him I thought it was wicked that that man should be allowed to remain so. "Oh, well," said he, "there is plenty of them." And that was all there was said about him. There were other mysterious affairs — some mysterious and some that I could account for — during the nights during my stay there.

Q. Give us an instance of one of those, sir. A. I used to ring the bell at eight o'clock for the retiring of all inmates. The inmates were expected to retire at the ringing of the bell at eight o'clock. I then, before I made my rounds, stayed around the buildings to see that all passed to their regular quarters; that there was no loitering upon the grounds; gave them plenty of time to retire before I commenced my regular round. I used to see lights in the basement underneath, during those times, at about nine o'clock — in the basement nearly underneath the main office, which contained the trunks.

Q. Contained what? A. The trunk-room, — it was for a

trunk-room, where they stored the trunks, — what was called the trunk-room. I saw it several times before I took any note of it or any interest in it.

Q. Saw the light, you mean? A. Saw the light through the basement window. I had curiosity to know who was in the trunk-room at that time of night. I looked through the basement window and saw a woman. I went around to the other side of the building in order to get into the trunk-room, down the steps and went into the trunk-room, opened the door easy and stood in the door to see who was there. I saw a woman opening trunks, taking out articles of clothing, — female apparel, — laying them down in different piles, until I saw three or four trunks opened. Piles were laid down in one place and piles in another; then piles packed into the trunk, and the other piles left outside. I went back with the idea to satisfy myself what was going on. I saw that woman come out, hobble up the steps and go into the centre building. I supposed at the time that it was all right.

Q. Who was it? A. That was Capt. Marsh's wife.

Q. The matron? A. The matron.

Gov. Butler. Who is now a little over eighty.

The Witness. I had supposed that that was all right. I had no particular suspicion until a few days after that, or a short time after that, when I was informed by the housekeeper, who was then a Mrs. Pope, that she had seen the same. I asked her what she supposed was done with that clothing that was removed from those trunks. "Why," she said —

Mr. Brown. Wait a moment. Now I pray the judgment of the committee. I am perfectly willing that the witness should testify anything that a dead man said to him; that has been already ruled upon by the committee; but I object to the repetition of what has been said by the living who were connected with the institution.

Gov. Butler. I don't know as there is any occasion for a fling at the committee. Pardon me. I suppose what was said and done by those in charge, officers of every grade who had charge of things, is a matter of investigation; and the relation, at the time of the occurrences, of what was going on, by the officers, is competent. I suppose no one would doubt what the doctor said about his patients; what Mr. Marsh said — that there were plenty of them there; what Mr. Thomas J. Marsh, Jr., said — we have got to have some pay for taking care of these

critters — as a reason for his working nights; what the clerk said about their being plenty of them there — in consequence of one of them dying: all that I suppose my brother don't even doubt or he would have stopped us. Now why should we except the housekeeper? If we put in what all the other officers have said, what has the housekeeper done that she should not put in her word about what she has seen? We are investigating the conduct, the carrying on of this institution in all its parts. If anything was done by the housekeeper that was wrong, it can be told hereafter and she can be discharged for it. But we want to know, or I do for one, what sort of an institution this was, and how they all conducted in it, inmates and all, and whether it was creditable to the Commonwealth. What was said and done at the time is a part of the *res gesta*. One of the men in charge saw this going on, and not knowing what he ought to do he inquired of the housekeeper, under whose direction one would suppose that the clothing of the inmates was, whether this was right and whether it ought to go on. Because, it might be said, "Why didn't you go and stop this?" "Why, I was told by the proper person that this was the thing to be done," or whatever it was. I think it is competent, and would be in the severest court.

Mr. Brown. Mr. Chairman, I have no desire to make, as has been suggested by His Excellency, any fling at this committee. I objected to the introduction of hearsay testimony as coming from a dead man on a previous occasion, — or what a dead man had told the witness, — because it was, to my mind, clearly incompetent. The committee permitted that conversation to be detailed. Now I have no right to interpret the ruling of the committee. On this occasion I feel that I may, without disrespect to the committee, say that if I understand the ruling it was simply this: that His Excellency, the Governor of this Commonwealth, was to have the broadest possible latitude; he was not to be barred, in any manner or form, in establishing, if within his power, the charges set out in his inaugural address. Now we come to a different condition of things. Every person thus far, with whom a conversation has been had, and whose conversation with the witness here upon the stand has been detailed, has been a dead man. And His Excellency could well say that he could not produce a dead man, as he did. Now His Excellency proposes to put in a conversation which this man had with the living. Now I say, let His Excellency bring the living here.

Gov. Butler. I do not understand you, Mr. Brown. This man has not given an account of a single thing said or done by a dead man that I know of.

Mr. Brown. Then he has not informed you of all the facts. Mr. Elliot was dead long ago.

Gov. Butler. I don't know how that is; but Mr. Marsh is not dead.

Mr. Brown. And I have reason to believe that your man would never have testified as he has, if Mr. Elliot had been living.

The Witness. He is not dead to my knowledge.

Gov. Butler. Well, Mr. Dudley says he is not dead.

Mr. Brown. We will find out about that.

Gov. Butler. And until we do find out we are not going to have him killed. That is all there is of it. And Mr. Marsh, he is not a dead man, only figuratively.

Mr. Brown. He is not dead. Mr. Marsh is superintendent of the institution.

Gov. Butler. And Mrs. Marsh is not dead.

Mr. Brown. But this is not a conversation with Mrs. Marsh. This is a conversation with an employé of the institution.

The Witness. She is living, too.

Mr. Brown. A person who is perfectly accessible here, a person who can be brought here and can tell what she saw or heard, or what was going on in this institution; and there is no necessity that a conversation as to what took place, or what she said she saw, should be detailed by this witness. Now I have no desire to be technical. I throw this matter open to the broadest investigation. But it strikes me in the way which we are proceeding — we do not object to the great burden of responsibility, but we do object to this great burden as to time which is to be consumed here. It simply amounts to nothing. I take it there is not a member of this committee who would permit any person in the employ of this Commonwealth to be injured by a conversation of this kind repeated in this way; and why spend time for going into it.

Gov. Butler. We should have got it all through in half the time, if you hadn't interferred.

Mr. Brown. I have occupied about the same time you have.

Gov. Butler. That may be; that is not my fault.

The Chairman. I suppose this is hearsay evidence, but under the vote of the committee the other day, I am inclined to think the committee would admit it.

Mr. Murphy. If the witness is not allowed to answer the question, I shall, as a member of the committee, ask it when the counsel get through, because I think it is necessary, for my understanding of the subject, that it should be answered.

The Chairman. The committee, I suppose, will not be intimidated by any such remark.

Mr. Murphy. I did not intend that any such inference should be drawn from what I said.

The Chairman. I will submit it to the committee. If the committee rule the question out, then, if any member of the committee insists upon the question, it would still be competent for the committee to prevent an answer; but I take it the committee would not go to that extent.

Mr. Murphy. What I was coming at was this: I did not propose, for one instant, to intimidate the committee. I never intended that any such inference should be drawn from my remark, and I think the chairman does me wrong in suggesting it.

The Chairman. I will put it to the committee.

Mr. Wolcott. I move that the answer be admitted.

Mr. Chamberlain. On this I stand right where I did before, when I voted against admitting the testimony of the dead. I said then that I was willing to listen to the testimony of all the living if we could sit here long enough to listen to them; but I should prefer that if they are living within a reasonable distance they should be brought. Still, I have no objection, and shall not object to this question being asked of the witness.

Mr. Murphy. I should like to say that the chairman misinterpreted me when he said that I desired to intimidate the committee. I was going to say, that I thought it was necessary to my understanding of the matter to have the question answered. And in order to save time and conflict of opinion between counsel, I was going to say, I would ask the question, thinking that, perhaps, knowing that, they might not consider the matter any further, but allow me to ask the question in case it was not answered now.

[The question was put on allowing the witness to answer, and the chairman declared it to be carried.]

Gov. Butler. Go on and state, sir.

The Witness. The housekeeper, who is alive now —

Q. And whose name is what? A. And whose name is Mrs. Jennie E. Pope.

Q. Where does she live? A. She is now employed in the hospital for the insane at Middletown, Conn.

Q. Very well; now go on. A. She told me that she had seen the same thing, and I asked her what was done with those clothes. She told me that they were principally silk dresses and silk shawls that she found in the trunks, the most valuable, and she took them up to her store-room — that old Mrs. Marsh took them up to her private store-room.

Q. Stop right there for a minute. This is what is called the trunk-room. Was this the room where the trunks of those brought there were stored with their effects? A. Yes, sir; when a patient or inmate was brought in.

Q. And their effects were stored down there? A. Stored in this trunk-room in the basement.

Q. So that these were not the trunks where the Commonwealth's property was kept? A. No, sir; the trunks of the inmates. She told me — this Mrs. Pope told me, that those dresses were taken, and as they were out of style, were cut over. "Cut over for whom?" said I. "For the Davis girls." And she pointed out one day, and asked me how I liked the style of that dress. Said I, "It is very pretty." Said she, "That is one that came in the same way with the others that I told you about."

Q. You have used the name of Davis in connection with people living in Exeter, and another witness has used the name of Atwood. Were there two families, or only one? A. I think there were two. I was not much acquainted with the Atwood family, but more particularly with the Davis family, because I saw more of them.

Q. Now, sir; did you ever observe that woman afterwards? A. I saw it on several occasions during the time when I was night-watchman.

Q. Did you see anybody else at work upon the trunks at this time except the old lady, Mrs. Marsh? A. I did not.

Q. Whether this was done at night whenever you saw it? A. This was always done at night, after the ringing of the eight-o'clock bell, after the inmates had retired.

Q. Anything else? A. Also one thing more that has always made me feel bad whenever I think of it. As I used to make my rounds through the men's ward, there were several

children brought there at different times, and at that time there were some twenty from the ages of 8, 10, 12 up to perhaps 14 years; they were small and could not arrange their affairs at the table as well as the older and stronger men. And I have passed through the wards at night when those little children were crying. I would ask them what they were crying for. They were crying because they were hungry.

Q. Did these young children sit up to the table — if they had a table there — to eat with the older ones? A. They were hustled in with the older ones at a table that would seat about 150 or 200 when crowded.

Q. That would not be all the inmates there. Did they eat by relays? A. They took their meals by relays — three or four times serving of the table.

Q. Now, sir, I want to ask you — having been dealing with the living — you spoke of seeing Mr. Marsh, Thomas J. Marsh, Jr., carrying away a body from the dead-house. Did you ever see anybody digging up the dead from the graveyard? A. I have.

Q. State all about that, please. A. I saw a light several times at the burying-ground during my rounds at the barn, and I had the curiosity, after seeing it a few times, to see what was going on down there. I went down across.

Q. How far is the burying-ground from the house? A. Well, it is from the lower end of the barn, or the dead-house, where I was, — it perhaps would be a trifle over an eighth of a mile across the field. I went down to see what was going on. I saw this double wagon that I described the other night, the Manning wagon, and two men digging out boxes or coffins from the ground. I remained there until they had taken out four and loaded them into this wagon.

Q. How did they take them out? A. They had a hook — a hook some five feet long, I should think — an iron hook with handles coming out so that two men could take hold, one man on each side. They would place that down into the sand and give it a few tosts, and the coffin would come up very easy; as the coffins were not buried more than about four to six inches deep in the sand.

Q. Well, is this burying-ground the light sand there is in that neighborhood? A. Light, sandy loam.

Q. Who were those two men? A. One of them was Mr. Manning and the other was his colored man, his negro.

Q. After they had loaded up the wagon what did they do? A. They started off towards Boston as I supposed.

Q. Started in that direction? A. In that direction.

Q. Now did you ever observe that wagon at any time in the daytime? A. Yes, sir; I saw it three or four times.

Q. What did you see in it? A. It was empty, with the exception of blood and purge, as I took it to be, from the coffins.

Q. Blood and bloody matter, I suppose? A. Yes, sir.

Q. Who had regularly, or who did not have, keys to that dead-house? I suppose it was kept locked? A. Well, most any key would lock it and unlock it. It was a very plain lock, most any key would fit it; so that I don't know. Thomas Marsh had one, and I had one, and there might have been a dozen others; I don't know.

Q. So many you did know? A. Yes, sir.

Q. Now, I want to know about the state of food while you were there, at any time. A. The state of food for the inmates and the insane was always very poor. The bread was sour a great deal of the time, and the quantity was very small; that is, the allowance for each inmate was very small, especially for those that were obliged to work.

Q. Work where? out on the farm? A. On the farm and about the grounds. Some had to shovel coal, which is very heavy work; some had to work on the farm, clearing land, ploughing, etc.

Q. Did you ever call any officer's attention to that? A. I spoke to Capt. Marsh once while I was on the night-watch, several times while I was in the insane building.

Q. I want you to confine yourself at present to the time while you were on the night-watch. A. I reported to him about the condition of the children, that were crying for food during the night in particular. He said he guessed they got enough; I told him I did not think they did, and I had taken the liberty, when I got around to the bread-room, to take a few slices of bread in my pocket and carry it with me on my next round. He told me he did not want me to do that any more, and I didn't.

Q. Anything said to him about the people you thought were starving, at any other time? A. I do not understand.

Q. Was there anything said to him at any time while you were night watchman that the people had enough to eat, or

what was his reply? A. At the time that I spoke about the children, I spoke about the men and said they were not getting sufficient food. He said I had nothing to do with it. I had quite a little discussion with regard to it, and said that I thought that Massachusetts provided sufficient, and did not see why they could not have sufficient food. The food consisted of bread principally. In the morning they were allowed two slices of bread and what they called coffee. At dinner, once in a while, they had fish, — a piece of fish and bread and water; sometimes they had a little hash, with bread and water. For supper their allowance was two slices of bread and tea. What they called tea was very poor tea; I tasted of it a great many times. That was all they had. Their breakfast and their supper was bread, and coffee in the morning and tea for supper. Occasionally they would perhaps get what they called soup for dinner: when, if any one was very careful, they could see little globules of grease floating on the top; and if they were lucky they would perhaps detect a small piece of meat, but very seldom. Those men were obliged to work out in the hot sun on the farm, hauling and shovelling coal, and doing general work on the grounds.

Q. At any time did Mr. Marsh say anything to you about what the men came there for, when you told him they were not getting enough food? A. When I complained of the food, soon after I went to take charge of the insane —

Q. Well, then I will call your attention to that by and by. Now about clothing: any complaint by the inmates about that when you first went there? A. Not any at that time, while I was on the night-watch, as I did not have charge of the clothing.

Q. Did you know a man by the name of Thomas Hall there? A. I did.

Q. Who was he? A. He was a teamster. He drove the team, the horse team.

Q. Do you know whether he had the handling of any bodies? A. I met him one night when I was making my round to the barns. I came from the dead-house. He stood in front of one of the barns, and spoke to me as I passed by with my lantern. Said he, "Dudley, are you going to take up this work?" Said I, "What work, Mr. Hall?" "Why," said he, "assisting in taking care of the dead, or packing the dead." I told him "No." "Well," said he, "I advise you not to." Said he, "It

has made me sick, and I don't know what ails me, and I think I am going to die." I stepped up to him, held the lantern up to his face, and said I, "I don't think you will die to-night." Said he, "I am sick, and I don't know what ails me." I said, "What have you been doing?" Said he, "I have been handling those bodies, — taking up those bodies; and," said he, "I believe it is going to kill me." Said I, "What has been your work?" "Well," said he, "I have taken up sixty-eight bodies within about eight months." I asked him where he had sent them to, and said he, "They are hauled off; some go to Boston, and some to other places." I asked him if he got any extra pay, and he said he had got but a very little. "And," said he, "I am not going to stay here but a few days longer, for I cannot stand it; and I am going to have some satisfaction." I asked him what he meant by that. Said he, "They have got to pay me something for my extra work here. I have made myself sick, and I feel that I am entitled to some extra pay besides my month's pay." There were a good many things, and he talked some time. I told him I should have to leave him, as I had got to make my rounds. I saw him the next night after, — the next night but one. He came to the watch-room and called me out. Said he, "I have come to bid you good-by, for I am going." "Well," said I, "have you fixed things all right?" He took a roll of bills out of his pocket, and said, "I have been in to see Tom" — Thomas Marsh, Jr., was called Tom — "and he has made it partly right; so I I think I won't say anything until I am feeling better than I do now." He pulled out this roll of bills from his vest-pocket. Said I, "How much have you got?" Said he, "I have got a cool hundred." I did not count it over, and he did not count it over; but he put it back into his pocket.

Q. And did he leave? A. He left the next morning.

Q. Do you know where he is? A. He lived in Hartland, Me. I have not heard from him since.

Q. Now, Mr. Dudley, how long were you night watchman? A. I was night watchman from the 18th or 20th of November, 1876, to the 9th of July, 1877.

Q. Were you promoted then to go to a different position? A. I was appointed supervisor of the female insane.

Q. Was your wife appointed to anything? A. She was appointed in the same capacity. It was for a man and his wife, with one assistant, to take care of the insane.

Q. About how many female insane had you under your charge as supervisor? A. We had an average of about one hundred and forty; sometimes there would be more, and sometimes less.

Q. All in one or in two wards? one or more wards? A. The insane building is quite a large brick building, and it is divided into halves. It is about three hundred feet long, — it may not be quite as long as that, — divided into halves; on one side are the male insane with a few female insane, and on the other side was wholly female when I was there.

Q. Then the number of female insane predominated? A. Yes, sir. We had had a great deal of trouble on the female side. The supervisor who had the place before I was appointed, died in March, and they undertook to run that side of the building by women, — his wife, — his widow, and give her two other assistants. But she did not seem to have discipline. There were always rows and fights and contentions going on there. One Sunday night they locked up their patients, and the two assistants went out for their Sunday evening out. I sat in the watch-room before my duty commenced, — before it was time for me to go on as night watchman, — and I saw the two assistants going out; and pretty soon I saw the supervisor, Mrs. French. Then I knew that the building was left alone; or that that end of the building was entirely alone, with those insane people locked in their rooms. I went and reported the fact to Dr. Lathrop. He went and communicated the fact to Capt. Marsh. I saw Capt. Marsh a few minutes afterwards, and he told me to go over to the insane building and stay there until some one came. I went over to the insane building, and sat down in the front door, so that if there was any outcry I could hear it and give the alarm. I sat there about an hour and a half or two hours before any one came; then Mrs. French, the one in charge, returned.

Q. Now, it was after that that you were made supervisor? A. The next day the captain came to me, and told me that such works must not be allowed; and that he wanted me and my wife to take charge over there; said the pay would be a little increase on my part, and that we had had long experience in caring for the insane, and he wished that we would take charge; and he would make the arrangement in a few days, as he expected a man and his wife to come to take our places on the night-watch. That night a man and his wife came from Lowell, by the name of Handon. They were to take our places,

and we were to show them one or two nights. I took Mr. Handon to show him his duty, and my wife took Mrs. Handon to show her her duty, and we went through the night. Mrs. Handon the next morning was very indignant. She said she would not stay in that place any way. She said that money would not hire her to stay there. Why, she saw such sights as fairly shocked her. Mr. Handon was not quite so nervous a man; he did not make so much fuss about it, but he said he wanted to find out a way to get his trunk to the depot.

Q. Well, did they go away? A. They went away as soon as they could get away.

Q. After you went into the insane department, tell me what was the condition of things if you saw anything remarkable? A. When we took charge of the insane Capt. Marsh placed the gate-keeper on the night watch; for he was so anxious to have us take charge of the insane that he came to me and said, "Mr. Dudley, I am very sorry to lose you. You and your wife have been very faithful, and have attended to your duties. I am very sorry to lose you; but Dr. Lathrop needs you more over at the insane building than I do, and I can put some one in your place here, and I will turn you over to him;" and I was turned over formally to Dr. Lathrop to take care of the insane.

Q. Now, what did you find there? Anything that you saw. I don't care anything about general things, because I want to hasten on a little; but anything that you saw remarkable, or that we ought to know about. A. Well, the first I saw remarkable, I saw they had taken away all the trunks that belonged to the inmates. That I saw when I was on the night-watch. I used to visit the trunk-room there, and that was about the first I saw, — that all of the trunks had been removed, and the shawls that belonged to the patients, — they were called patients at the insane building. I mentioned that to my wife.

Gov. Butler. Never mind that. She will be here in a moment.

The Witness. Then I noticed the condition of the beds. I found the beds in a rotten, filthy condition.

Q. What were they made of? A. They were made of straw. And they were fairly steaming with filth. I found but one sheet on the beds, with the exception of a very few that might have had two, and some without any. I found only one

blanket, one thickness of a blanket, — it was what we call a double blanket, — one-quarter of a double blanket on the beds. I found the females mostly without underclothes, without shoes and stockings, and with only a faded calico dress to cover their nakedness, — a great many.

Q. What season of the year was this? A. This was in July. The most of them without shoes and stockings. And I found some of the cells that had not been cleared out for a long time. There was straw and other filth in one cell in particular, in the basement, that I had to take a shovel for.

Q. What were those cells used for? A. They were used to put violent and excited patients in.

Q. What were they made of? wood? A. Those in the basement, the walls of brick.

Q. What was the floor? A. The floor was of brick; the floor in the basement was concrete.

Q. The filth in those cells was of what sort? you say straw and other filth? A. Yes, sir.

Q. What do you mean by that? A. Excrement.

Q. Human excrement? A. Yes, sir.

Q. Any considerable quantity? A. Well, I should say a person had been confined there a week or ten days.

Q. Any night-buckets? A. None of any kind. In the attic I found another cell that contained a woman. She was lying on the straw. She had not a blanket.

Q. On the floor or on the bed? A. On the floor.

Q. Any bed at all in the room? A. None at all. There was nothing in the room with the exception of straw and this woman.

Q. Was she without clothing? A. She had no clothes on at all.

Q. What was the condition of the straw? A. The straw was pretty well broken up and quite filthy.

Q. With what? A. With excrement and urine.

Q. With the excrement of the body, whether solid or liquid? A. Yes, sir.

Q. Did you ascertain how long she had been there? A. I asked the woman who was there, Mrs. French, who had them in charge, and she said she had been there about a year.

Q. By "there" I don't mean at the hospital, at the almshouse, at the institution, but how long she had been in the cell? A. In the cell a year.

Q. How violently insane was she? A. She would tear her clothes. She was almost a skeleton. I do not think she could have weighed over forty pounds.

Q. How was she as to height? A. She was of medium height.

Q. You found her there. How long did she remain there after you were there? A. My wife went right to work and put clothing on her. I had the room cleaned out, and I had her fed. She had been in the habit of having one meal a day, and that meal was carried up by an idiotic girl. The dining-room was in the basement; she was in the attic, and it was some ways to go up where she was; and I ascertained that she had had one meal a day, and this meal was carried up by one of the insane inmates.

Q. Idiotic, you mean? A. Idiotic — an idiotic girl. She said that she had always taken care of the old woman in the cell and I allowed her to take up the meals, for a day or two. It occurred to me to have her take up three meals; as she had had but one, my idea was to strengthen this woman up, and get her into a fleshy condition, if possible. I had the curiosity to watch this girl who took up the meals. I stood on the second floor, near the water-closet. Instead of going up into the cell, she went and deposited the food in the water-closet, and waited a sufficient time, as she usually did, and came down with the plate. During that time I had gone down to the dining-room to be there. I asked her if she had fed her woman in the cell. She said, yes. Said I: "Did she eat all her food up?" "Yes; she ate it all up." That was sufficient for me to know that she hadn't been in the habit of going up to feed her. I told her I guessed she need not feed the old woman any more; I would have some one else do that. I carried the food up myself and had our assistant carry it into the room after that to see that she got it. She eat it, and in the course of five or six weeks we had the woman out of the cell and down in the sitting-room, and her husband, who lives in Boston, I think, now, came to see her and he didn't know who she was. She was so fleshy, and changed in her condition to such an extent, that he didn't recognize his wife.

Q. Perhaps you can give her name? A. Her name was Mary Barron.

Q. And her husband's name was what? A. I don't recol-

lect his first name; Mr. Barron; lives somewhere in Boston — a laboring man.

Q. The newspapers will bring him to me to-morrow morning, I have no doubt. Go on. A. That woman remained in a sufficiently healthy condition so she could sit out in the sitting-room with the rest of the patients. The inspectors was there on a visit. They inquired for that woman in the cell. I pointed her out. "No, that can't be the woman," they said.

Q. By the inspectors, who do you mean? A. The trustees, or inspectors.

Q. They are trustees; used to be called inspectors. A. They were inspectors while I was there.

Q. Now they have been promoted into trustees; do you know their names? A. One was Mr. Nourse, and a Mr. —

Q. Spalding? A. Spalding of Lawrence, and a man that lived near by there — Elliot.

Q. He lived over in Billerica, somewhere? A. Yes, sir; Mr. Elliot.

Q. They considered she was not the woman; did they find the woman? A. I told them she was all the woman I knew about that was in the cell, and the condition that we found her.

Q. In the meantime how had she become as to being violent? A. She had left off her destructive propensities; she had left off tearing her clothes. She never, at any time that I ever saw her, was violent; but she was destructive, — would tear her clothes. She had left off that habit.

Q. Did you leave her there when you came away? A. Yes, sir; she was there when we came away.

Q. Now, give the committee any other things of that sort that they ought to know. A. There was another woman that told me she had been kept in that cell that I cleaned out.

Q. Which one? A. The one in the basement.

Q. You didn't tell us you cleaned out any in the basement; did you clean them out? A. I cleaned that out with a shovel, and had it washed out. She told me that she had been kept in that cell nine days without any food with the exception of water; that was all she had. I didn't credit her statement and made inquiries. I inquired of the woman that had charge of the dining-room if her statement was true. She said it was. I inquired of others and they said that that was the fact. I inquired then of Mrs. French, that was there, that was in charge,

if these statements were true. She didn't deny it nor didn't say but what it was.

Q. She neither confirmed nor denied? A. She didn't wish to convict herself.

Q. Well, what did you do with that woman? A. I asked what was the cause of her being confined in that cell. They said she was very violent; quite strong; and they kept her in there to reduce her strength, so that they could manage her more easily. That woman was with us a little over a year.

Q. With you and your wife, you mean? A. Yes, sir; me and my wife, and we never had occasion to put her in a close room or to restrain her in any way. She was afterwards sent to Worcester.

Q. Do you know what became of her then? Is she still at Worcester, so far as you know? A. I don't know whether she is dead or living. Her name was Margaret Hennessey.

Q. Any other woman or any other patient? A. I complained, — our women that we had there were about the best working women there was in the institution.

Q. What do you mean by our women we had working there; patients? A. Patients; those that were under our care. They were sent to the almshouse to do their sewing; their scrubbing; and to the sick-hospital to assist in taking care of the sick patients there; and they were obliged to do their own work at their own quarters; make all of their clothes, make their stockings, do all of the chamber-work and all of their sewing, besides working for the almshouse and the sick-hospital. These insane women were taken down to the sick-hospital to attend to all kinds of diseased cases which were contagious or otherwise.

Q. What was that? A. These insane women were taken down from our building to the sick-hospital to take care of women with all kinds of diseases that might be contagious.

Q. Did you make complaint about that? A. I spoke to Capt. Marsh about that. His reply was that an insane person could not take a disease. And then I spoke to him about our food for the insane; that our women who worked so hard scrubbing, — they had a great deal of scrubbing there; the institution is in a sandbank and they scrub the floors almost continually, — I told him our women was working so hard in their sewing-room, doing their scrubbing, doing their own work at home, that they were not getting sufficient food.

Q. Well? A. The reply that he made to me was they were brought there to die.

Q. Are you sure of the words, sir; because those are pretty hard words? A. He told me at least three times during my appeal for more food that these inmates, patients, was brought there to die.

Q. Say anything about whether they would be buried after death? A. That was not mentioned at the time.

Q. Now, sir, during the time you were there, did you see any attention on the part of Dr. Lathrop to the health of these insane patients? A. Dr. Lathrop used to come over to the insane building about once a week as an average. Sometimes it would be two weeks that he would not be there; but perhaps an average would be once a week. There would be two or three weeks he wouldn't come, and sometimes he would come twice a week.

Q. Did he always come when he was sent for? A. No.

Q. Can you give us any instance of that, where it was necessary for him to come and he didn't come? A. One night, after we had retired, between ten and eleven o'clock, I heard a rapping on one of our attic doors, which was a story above where our room was, and I immediately got up and dressed and went to the door to ascertain what the pounding was. One of the women that occupied this dormitory —

Q. How many occupied it? A. There was thirty-seven beds, I think, in the room. She hollered through the door and says, "A woman has fallen out of bed and hurt herself." I told her I would get my lantern and come in, and I went and got my wife and went up. She took the lantern and went in to see the woman. She spoke to me and she says, "This woman is dead;" or she says, "She is bleeding, and I think she is dead." I stepped in and said I, "Then don't move her." She had fallen out of the bed, and the blood was rushing from her mouth. I told her, says I, "You run for Dr. Lathrop as soon as you can." She went right over across and rapped on Dr. Lathrop's door. He got up and came to the door, and she said —

Q. You didn't hear that? A. My wife told me.

Q. She will tell us about that. A. My wife came back and told me that Dr. Lathrop had said he was tired and it would not do any good for him to come over. I told my wife, says I, "He shall come over, or I shan't move this body." I

went right back myself. I told Dr. Lathrop that, according to what I had seen, the woman was dead. Said he "What do you think the cause is?" Said I, "It looks like internal hemorrhage." Well, says he, "Then there is no need of my going over." Said I, "I haven't examined her pulse; I don't know anything but she may be alive, and I thought it was not best for me to move her." Well, said he, "There is no need of my going over." Said he, "You have your wife lay her out." Says I, "I shall do no such thing unless some one else sees her." Said he, "Then you go and get the night watchman and his wife; that will be sufficient."

Q. Who were they; what were their names? A. A Mr. Nash and his wife. I went and told Mr. Nash that I wanted he and his wife to come over to our place with me and I would tell him what I wanted him to do when we got over there. He went over. I stated the case; and now, said I, "I want you to go and see the condition of affairs, just as they are, and your wife to assist mine in taking care of this woman." We all four went into the room together and viewed the remains; found that she was dead. Then he and I took a blanket, carried her down stairs into the lower floor, and Mr. Nash's wife and my wife laid her out in one of the rooms. The room was locked, and the next day I expected they would send some one to take care of the body, and waited till eleven o'clock. No one came, and I went to see Dr. Lathrop myself. Says I, "About that dead body, doctor; how are you going to move it?" "Oh," says he, "I had forgotten all about it; but," says he, "you can get some of the patients in the other part to take it to the dead-house." There was a man by the name of Tim, an inmate, who was a general helper around the building; carried the mail, and when he would see the signal from the depot he would go around and inform the officers that there was somebody coming, — done such work as that. And he and an insane patient from the other end of the building came over with the coffin, put the woman in, and carried her through the gate to the dead-house. That was the last that I saw of that woman.

Q. Any friends come for her? A. Not that I know of.

Q. Any other matter you think the committee ought to know? A. There was one thing that I forgot to mention, during the time I was on the night-watch, that I think, perhaps, would be interesting to the committee, and it can be corroborated by other evidence, if they would like to hear it. At the

time I was doing my trips as night watchman, I occasionally, during heavy snow-storms in winter, when the snow was drifted so deep that my wife could not very well go to this foundling institution, where the children was,— when I made my trip to the insane building, I went around by the foundling-house to see that the fires were kept up, and to see that everything was right. They had a day nurse, a hired day nurse, that took care of the children daytimes, and at night they were under the care of an inmate: from six o'clock at night till six o'clock in the morning. They had had different ones there, and they didn't like the job very well, to sit up and care for the babies, and they would change very frequently. At this time I have reference to they had an inmate by the name of Kate, — I don't know her other name; that was what she was called by. She seemed to be a woman that didn't have much feeling or sympathy, and I called in several times during a heavy snow-storm to see that the fires were kept going. One night I spoke to her, and says I, "Your babies are getting along nicely; you don't hear so much noise from them now." She said, "Yes; I have found out a way to keep them quiet." It excited my curiosity to know what invention she had discovered, and I asked her. She went and took down a half-pint bottle, and says she, "This is the stuff in here," and shook it. Says I, "What have you got there?" Said she, "I don't know what it is. It is something that the day nurse leaves here, and I give them one or two teaspoonfuls of it and they are quiet all night." I asked her to let me see the bottle. She handed it to me and I smelt of it, and I found it was a mixture of morphia. Says I to the woman, "How long have you been giving them that preparation?" "Some time," said she, "I have used it." "They put me in here to punish me, and I am going to make it as easy for myself as I can." Says I, "Do you know the power of that medicine?" She didn't know, and she didn't know as she cared. Well, said I, "Don't you know that you will kill those children?" She didn't care if she did; she was put down there to be punished, and she didn't care how many of them died. The next morning I reported that to Capt. Marsh. Said I, "That woman is not fit to be there." He said he would report the case to Dr. Lathrop. I didn't feel satisfied that he would, and the first time I saw Dr. Lathrop I reported it, and it was some ten days after that before the woman was removed.

Q. How many foundlings, about, had you there then,—I mean infants, whether they were found or had their birth there,—about how many in the institution? A. In all, that was born there and that were brought in during the first year we were there, there was seventy-three that I knew about personally and kept the run of them.

Q. Were there others you didn't know about personally? A. There was a very few others; but I knew the most of them, because my wife had to count them, and I asked her every night how many babies she had then, and I kept the run of them.

Q. That is while you were night watchman? A. While I was night watchman. And we also kept the run of them after we went to the insane building for about two months; for, at that time, they had a man watchman without any female watchwoman, and my wife was called over to make her usual count on the female side; so that we kept the run of the babies about two months after we left the night-watch, by her making her count every night. I kept run of those babies, and at the end of the year, or till we lost knowledge of them, there was about seventy-three, and out of the seventy-three that I knew of there was one baby that was alive. That was a little Jimmie Riley that survived. He was a very peculiar child.

Gov. Butler. I should think he was.

Q. Were the babies taken away from there before or after you left? A. Taken away after we left. They were there when we left.

Q. I don't know as you know what was done with those seventy-two babies, or any of them; if you do you may state it. A. All I know what was done with them is, I could see this man Tim very frequently, sometimes two or three times a day, with a small box under his arm, going from the foundling-house to the dead-house. That is all I knew about it. I knew that the box was what they carried their babies in to the dead-house.

Q. Were there funerals there at the rate of three a day? A. They never had any services over the dead there during my term there. There was a man by the name of Mellen (?) from Boston, whose bills were paid by a benevolent woman in this city. He went around to different institutions and distributed tracts. He also came to that institution. I had seen him at Northampton. He came to that institution, and had

concluded to stay there,—give his services for his board, — and he would hold services over the dead and comfort the sick. He stayed there about three weeks. He came over to our place two or three times. One afternoon he came to me, and, says he, "This is a very healthy place." Well, says I, "Yes;" and, says I, "Why?" "Why," says he, "I have been here, now, about three weeks, and you haven't had any deaths here." "Why," says I, "yes, we have; I have known of more than a dozen of my own knowledge." "Why, no you haven't," says he; "I am to officiate at the funerals; I am to take charge of the services." Well, says I, "You don't seem to be in the right place." "Why, there hasn't any died." Well, said I, "If you are really in earnest and wish to officiate at the funerals," said I, "you place yourself between the barn and the gate, and most any night you will have an opportunity to render your services, provided they will wait for you."

Q. Do you remember what the man's other name was, for we would like to send for him? A. I don't know what his given name was, but he belonged in Boston, and this woman lived in Boston who sent him tracts to distribute. It was a deed of charity.

Q. Will you tell me now, Mr. Dudley, — somebody has told me, I don't know who, — something about the rats eating any of the dead people? A. I have been told that that was the case.

Q. It was not during your administration? A. Not during my stay there.

Q. Now, Mr. Dudley, when you left Tewksbury, where did you go to? A. I went to Danvers.

Q. Any trouble that made you go away? A. I had been expecting to go to Danvers as soon as the hospital was opened. I didn't intend to stay at Tewksbury, and had given Capt. Marsh to understand as soon as the hospital was opened at Danvers that I should go there. I had also told Dr. Lathrop that I intended to go to that new hospital. I had several talks with Capt. Marsh about the clothing. We had very hard work to get clothing for our patients, and very hard work to get any change of food. Mrs. Winthrop, the visiting committee, was there several times, and she happened to be there during one of our meals, and she asked me if that was the regular food. I told her it was, and she said, "Don't they get anything on holidays?" Said I, "I am sorry to say they don't," said I;

"not even a piece of molasses gingerbread on Thanksgiving Day to recognize the day." She said she didn't think that was right, and she would see Capt. Marsh about it.

Q. Who was that visiting woman? A. That was Mrs. Winthrop; she was on the visiting committee at that time. She lives in Boston.

Q. Now, when you came to go away, what made you suppose you could get a place at the Danvers Hospital? A. I had written.

Q. You had written? A. I had written to the physician in charge.

Q. Had you known him? A. I had not known him; no, sir.

Q. Did you get any recommendation or line from the Tewksbury people? A. I got a recommendation from Dr. Lathrop.

Q. To the physician at Danvers? A. Yes; but I didn't rely upon his recommendation, because I felt that a recommendation from there would not be of much account. I showed him my recommendation from Northampton; told him that I had a recommendation from Tewksbury,—Dr. Lathrop. He said he didn't care anything about that recommendation; it was Dr. Earle's recommendation that he should take, from Northampton.

Q. And you were employed at Danvers? A. We were employed at Danvers.

Q. You and your wife? A. Yes.

Q. How long did you stay at Danvers? A. I have stayed there ever since; that will be five years in July.

Q. And you would be there now if you were not here to testify? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. Do you know the full name of this man you call Tim? A. I do not.

Q. When did you see him last? A. I have not seen him since we left there.

Q. Since you left Tewksbury? A. Since I left Tewksbury.

Q. Exactly what was the date of that? A. That we left Tewksbury?

Q. That you left Tewksbury. A. The fifteenth day of July, 1878.

Q. And you went there on the eighteenth of November, 1876? A. Yes, sir.

Q. And stayed in the capacity of night watchman till the ninth of July, 1877, and finally till July, 1878? A. Yes, sir.

Q. As supervisor of the insane? From the ninth of July till the fifteenth of July, 1878? A. Yes, sir.

Q. Now, Mr. Dudley, while you were night watchman you had a room which was a sort of general rendezvous, did you not? A. What do you mean?

Q. When you were not on duty you usually remained in this room, which was called the watch-room? A. We had a room called the watch-room.

Q. And that was the place for the night watchman? A. Yes.

Q. When he was not otherwise engaged? A. Yes, sir; when he was not in his own room, where he slept during the day.

Q. Where was your dormitory during the time you were night watchman? A. Our dormitory?

Q. Yes. A. We didn't have any dormitory.

Q. Did you have a sleeping-room, you and your wife? A. Yes, sir.

Q. Where was it? A. Our sleeping-room was in the centre building, on the fourth story.

Q. By the centre building you mean the building that fronts toward the railroad, which has on the first floor the superintendent's dining-room, and on the opposite side of the hall the dining-room for the officers, and in the rear of the dining-room for the officers the kitchen for the officers? A. Yes, sir.

Q. And then directly across that hall is another dining-room? A. Yes, sir; that is the centre building, — what was called the centre building.

Q. That is what you call the centre building? A. Yes.

Q. And your sleeping-room was on the fourth floor of that building? A. Yes, sir; on the front side.

Q. Near what was called the chapel? A. Near where the old chapel used to be.

Q. Now, as night watchman, you went on duty; and have

you stated to the committee all the instructions you had as night watchman? A. All that I can remember. There may have been some little affair about lighting the lights in the rear court, or some such instruction as that, at different times.

Q. Did you ever see any pamphlet printed by the officers of the institution for the instruction of the watchmen and employés and all the officers? A. Yes, sir.

Q. Did you ever have that put into your hands? A. Yes, sir.

Q. When? A. Just before we came away.

Q. That is after you had been there two or three years? A. Those pamphlets were printed in 1878; we left in 1878, — July, 1878, — and we got those pamphlets perhaps two or three months before we came away. I have got one now.

Q. Never before? A. Never before.

Q. (By Gov. Butler.) Got it here? A. I have got it here.

Gov. Butler. Let me see it. [Witness hands the Governor the pamphlet.]

Q. (By Mr. Brown.) Is that the only pamphlet you ever had? A. That is the only one.

Q. Look at that pamphlet printed in 1866 and tell me if you ever saw one like that, or that one? [Pamphlet handed to witness.] A. No, sir.

Q. Mr. Dudley, do you mean to swear to this committee that you never saw or had put into your possession during the time you were in Tewksbury as night inspector, a pamphlet like that published in 1866? A. Yes, sir. I am under oath, and I will take my oath that I never saw that book, or one like it, or any book that had any instructions, rules or regulations whatever.

Q. That no such book was ever put into your hands by Capt. Marsh? A. No such book was ever put into my hands.

Q. That you never saw any such book nailed up on the wall anywhere? A. Never.

Q. Posted for the direction of the officers where it could be readily seen and inspected? A. Never saw it.

Q. Never saw it? A. Never saw it posted up in any shape nor manner.

Q. And you never saw a book like this relating to the Tewksbury almshouse until the present moment? A. No, sir.

Q. Never? A. No, sir.

Q. Certain about that? A. I am positive about that.

Q. Now just tell the committee what it is that you are positive about. A. I am positive I never saw a book like that, that book or a book like it, posted up or handed to me, in any way.

Q. At any time while you were at Tewksbury? A. At any time.

Q. And not till the present moment? A. And not till you have just handed it to me.

Gov. Butler. Let me see that book, please.

Mr. Brown. And let me see yours, please.

Gov. Butler. That is a copy of the by-laws of the institution, and this is another.

Q. Now, tell the committee definitely where these two dry-goods boxes were which you say you opened with a screw-driver. A. They sat in the corridor between the old men's ward, — what was called the old men's ward, — and near our dining-room. There was a corridor that ran across the building, this way; our dining-room was on one side and the old men's ward on the other. The corridor ran clear through the centre building.

Q. That is the same building that has a front projecting toward the railroad? A. Toward the railroad; yes, sir.

Q. And on the right, as you stand facing with the building, of that front there is a wing which is called the old ladies' wing; is that it? A. Yes, sir.

Q. And on the left was the old men's ward, at that time? A. Yes, sir.

Q. This corridor you refer to was on the first floor? A. Yes, sir.

Q. Now, tell the committee again just how these boxes were taken out of that corridor? A. I didn't see only two of them moved out.

Q. Well, the two that you saw moved out, how were they moved out? A. They were moved out by being rolled over so. [Illustrating.] They were tipped; one man was behind and the other was in front, and the boxes was pushed over and the other man eased them down.

Q. Toward the front of the building? A. Toward the front of the building.

Q. And they went out of that front door? A. Yes, sir.

Q. Next to this projecting front that you have spoken of? A. Yes, sir.

Q. That front door is a door which is very near the projection, and from that front door you can look into Capt. Marsh's dining-room, can you not? A. I won't be positive about that.

Q. Just look at that and see if that is a fair chalk of the relation of the rooms in that building. [Plan handed witness.] A. That was our dining-room; that was Capt. Marsh's.

Q. Capt. Marsh's dining-room on the front? A. Yes, sir.

Q. Now, where is the corridor where these boxes were? A. It should be in this corridor here [indicating on the plan], unless I am mistaken, — that is, if it is the ground floor.

Q. That is the ground floor, — we will call it so, any way. There is a door leading into this old men's ward and there, is a door leading out to the front. Here is a door leading in through here into this corridor, and here is a door here, and then there are the stairs that go up to the next floor. Now, as I understand it, these two boxes were in that corridor there, and that is the door out of which the two boxes were taken, — am I right? A. They were taken out of the front door.

Q. Out of that door? A. Yes, sir.

Q. And you saw them rolled along till they went out that front door, did you? A. No, sir.

Q. Then tell us what the fact was. A. I saw the men to work in this corridor upon these boxes, and then I came out and went around to the front side of the house, which took me some little time, to go out around in front, and saw the team backed up there.

Q. That is right up here to Capt. Marsh's front door? A. Yes; and pretty soon, it might have been twenty minutes, these boxes were being loaded into the wagon. I didn't stay to see these boxes rolled from where they started clear to the wagon, because I went out around to see where the wagon was.

Q. Now, where were you while they were transferring those boxes from that corridor to that front door? A. I was going down through the gate.

Q. What gate? A. Through the back gate.

Q. That is, you went out where you went out into this main yard? A. Out into this main yard.

Q. Then where did you go, out through into here? [Referring to the plan.] A. Yes, sir.

Q. Where were you when the team started off? A. I was near this end of the building when the team started off. I went directly back.

Q. You had your lantern with you? A. I did not.

Q. What did you have with you, anything? A. I didn't have anything.

Q. Think these men saw you? A. I don't know whether they did or not. Of course I could not tell; I didn't intend they should see me.

Q. Why not? A. Because I didn't wish to have them see me.

Q. Didn't want to be seen? A. If anything of that kind was going on I didn't want to be seen at the time.

Q. Anything of what kind? A. If there was anything going on that was not right, I didn't want them to know that I saw it till I ascertained for myself.

Q. You didn't know who it was, did you? A. Didn't know who this man was?

Q. Did you know who these men were before you saw them start off with the boxes loaded? A. Yes, sir.

Q. When did you find that out? A. I found that out when I saw them in the corridor.

Q. In the corridor? A. Yes, sir.

Q. Do you know how they got those boxes from that corridor into Capt. Marsh's front entry? A. I do not.

Q. Do not? A. No, sir.

Q. Now, Mr. Dudley, aren't you a little mistaken about your locality here; wasn't the team backed up to that door [referring to the plan], instead of Capt. Marsh's front door? A. No, sir.

Q. Sure of it? A. I am sure of it. That door, I think, was not used at that time.

Q. Have you any objection to putting your initial right there at that front door where you say that team was backed up, so we can have it for reference? A. No, sir.

Mr. Brown. Please do so. [The witness did as requested.]

Q. Now, where your initial is, is the place where the team was backed up and the two boxes were taken out, is it? A. That is where I saw the team backed up.

Mr. Brown. Now, please put a cross right there at that door where you say they were not taken out.

Gov. Butler. Put a cipher, — nothing taken out.

Mr. Brown. Yes, put a cipher: that is better. [Witness marked upon the plan as indicated.]

Q. Now, Mr. Dudley, tell us what was the date of this transaction. A. I could not tell you just the date, for I never put down the date.

Q. You didn't put down the date? A. No, sir.

Q. Did you carry a book about with you for the purpose of making memoranda as to things of importance? A. No, sir.

Q. Never did and never were in the habit of carrying a book? A. No, sir.

Q. And you didn't put down any date. Can you state from recollection about what time it was; whether it was when you first came there, or after you had been there a long time? A. I had been there but a short time when I first saw the boxes; but at the time I saw these, it was still later on.

Q. How long do you think you had been there when you saw this transaction? A. Well, two — yes, three months; perhaps more than three months.

Q. About three months? A. Yes; three months or three months and a half.

Q. You would say from two months to three months and a half, — that it was within that limit this transaction took place? A. Yes, sir.

Q. Now, before you saw these boxes taken out on this night they had been in that corridor, had they, for some time; or was that the first time you ever saw them? A. That is the first time I saw them.

Q. You had never seen them there before? A. No.

Q. You had never seen any boxes there before? A. Before this occurrence?

Q. Yes. A. Oh, yes; I had seen them there on two occasions before; this was the third.

Q. Not the same boxes? A. Not the same boxes.

Q. But different boxes? A. Different boxes.

Q. Now, with the exception of the boxes you saw in the corridor on these three occasions, had you ever seen any others? A. Not to my recollection.

Q. You don't recollect any? A. No.

Q. Are there any closets in that building, connected with the old men's ward, or any of those rooms on the first floor or on the second floor? A. What, clothes-closets?

Q. Any kind of closets for general catch-all, — clothes-closets, or anything like that? A. Not that I know of.

Q. You don't know of any? A. No, sir.

Q. Now, Mr. Dudley, during all the time you were in that institution, weren't there, on that corridor, on the first or second floor, always two large boxes, under lock and key, in which pieces of bed-ticking and carpet and cotton cloth, and old blankets, pillow-cases, sheets, everything of that kind, were kept? A. Not to my knowledge.

Q. You never saw them? A. Never saw them.

Q. Do you think they could have been there all the time you were there and you not have seen them? A. In these wards, under lock and key?

Q. Yes; or without lock and key, — two or more boxes which were used for the purpose of throwing in anything what was wanted; a piece of carpet or a piece of silk, or a piece of bed-ticking, or blanket, or anything of that kind? A. In the wards or the corridor?

Q. In the corridor connected with the old men's ward? A. There was not anything of that kind there.

Q. There was not? A. No, sir.

Q. Sure of that? A. I am sure of that.

Q. On either floor, first or second story? On either floor there were no boxes of that description? A. In the corridor, no; there might have been locked up in closets.

Q. But there weren't any closets there? A. There wasn't any closets I knew of.

Q. You saw no boxes of that description?

Gov. Butler. The description you state to him?

Mr. Brown. Boxes of any description.

A. There was no boxes in the corridor only those I have mentioned, that I ever saw.

Q. That you ever saw? A. Yes.

Q. Were there any chests there, wooden chests, or anything of that kind? A. No, sir.

Q. And you are sure of that? A. I have occasionally seen trunks there.

Q. A trunk, but nothing more? A. Sometimes two or three trunks.

Q. Nothing more? A. Nothing more.

Q. Nothing that would answer the description of a dry-goods

box, or a chest, or a sort of general receptacle for throwing things into? A. No, sir.

Q. You are positive about it? A. I am positive about that; yes, sir.

Q. About what size dry-goods box was this you speak of; the ordinary size such as cotton cloth is packed in? A. Yes, about three feet square, or a trifle over; it would be rather a trifle over than a trifle less.

Q. Isn't it the fact that this, according to your recollection, was a box such as at print works they pack sheeting a yard wide in, or print-cloth a yard wide? A. Something similar; but I think these boxes were made there, or else they were dry-goods boxes strengthened.

Q. Reinforced on the edge by a cleat? A. Yes.

Q. All around? A. Yes; I think they were.

Q. And that was the box, and a description of a box, two of which you saw taken out of that building on that night? A. Yes, sir.

Q. Sure about it? A. Yes, sir.

Q. There is no doubt in your mind, whatsoever, is there? A. There is no doubt in my mind but what I saw these dry-goods boxes, and they were about that description. Of course I could not tell whether there was one or two cleats, because I didn't take any notice of the boxes as to any particular description.

Q. Now, you don't recollect whether there was a moon or not, the night these boxes were taken? A. No, I do not, I am sure; I could not tell as to that.

Q. But you followed these people far enough to see that they went to what was called Fay station? A. No, sir; I didn't follow them at all.

Q. Well, but you saw them go to Fay station? A. I followed their light.

Q. Oh, they had a light? A. They had a bull's-eye lantern.

Q. Then, of course, the bull's-eye must have been turned towards you? A. Yes, sir.

Q. They went to Fay station? A. Yes, sir.

Q. Now aren't you mistaken about the station? Didn't they go to the other station, up further toward Lowell? A. No, sir.

Q. Sure of it? A. They went down toward that station and then turned off, and I could hear the wagon rattle till it

stopped over in the wood, and I could see the light. It looked like a star in the distance.

Q. That is to say, they went down in front of the house by the usual road? A. Yes, sir.

Q. Onto the county road, and then down past Miss Manning's? A. Yes, sir.

Q. Then still going on to the right till they got down to Fay station, and then they went off still further? A. They might have gone on beyond the Fay station. I don't know as to that. I didn't follow them. I followed the rattling of the wagon, and the light, till it disappeared in the direction of Fay station. That is all I know about that.

Q. Now, you are perfectly certain that they didn't go toward the other station, further up toward Lowell, aren't you? A. I am perfectly sure they didn't go towards Lowell.

Q. Well, now, on these two occasions, on the first occasion you referred to, those boxes, you say, disappeared, and you do not know where they went to? A. Yes, sir.

Q. That is correct, is it? A. Yes, sir.

Q. You didn't hear any team about? A. I heard, but I cannot say whether it was that night or some other night; I would hear the rattling of that wagon that I have described.

Q. Just confine yourself to the nights when those boxes disappeared? A. I cannot say that I heard the wagon.

Q. You do not recollect any fact except this fact, that the boxes were there and that they disappeared? A. They disappeared.

Q. That is all? A. Yes, sir.

Q. And those were the same kind of boxes? A. Yes, sir.

Q. Did you notice any marks on them? A. No, sir. I looked to see if there were marks on them, and undertook to tip one over to see if it was marked on the bottom, but it was heavy and I did not do it.

Q. Who did you say were the men who loaded those two boxes that night? A. Mr. Manning; and the other party I don't know.

Q. You don't know who that was? A. No, sir.

Q. Mr. Manning's dead, I believe? A. Yes, sir; at least I heard he was. I don't know.

Q. Now how soon after you came to this institution was it that you had this conversation with Capt. Marsh, when you were

told that you were not to see too much? A. It was the next day.

Q. During the daytime? A. During the daytime; soon after dinner, perhaps about two o'clock.

Q. Then you were turned over to Mr. Elliot for further instructions? A. Yes, sir.

Q. Then all the instructions which you had at any time came from Capt. Marsh and Mr. Elliot? A. Yes, sir.

Q. Now, Mr. Dudley, was there at the institution when you were there, any kind of a register that you were required to visit at night and to touch in some way so as to make a record where you were and the hour you were there?

Gov. BUTLER. A watch-clock, you mean?

Mr. BROWN. No, I don't.

The WITNESS. No, sir.

Q. Nothing of the kind? A. Nothing of the kind.

Q. That you ever saw? A. I saw —

Q. That you ever saw while you were there? A. I saw what they used to have there, called a peg-clock. It had not been used for a long time.

Q. And it was not in use when you were there? A. It was not when we were there. It was not in use, so Mr. Elliot said, while he was there.

Q. And that is all you saw of that kind? A. That is all I saw.

Q. No other instrument of any description for that purpose? A. No, sir; none whatever.

Q. Either for the use of yourself or any other officer of the institution? A. Either for myself or any other officer of the institution.

Q. Never saw your wife have one? A. No, sir.

Q. Now, Mr. Dudley, are you certain about that? A. I am positive about it.

Q. And there is not a doubt in your mind, is there? A. I have no doubt whatever.

Q. How certain are you that this peg-clock, or watch-clock as you call it, was not in use when you were there? A. Because I was told it was out of order and had been for a long time.

Q. Well, you are certain about one thing, that you never used it? A. I never used it, and I never was instructed to use it.

Q. And never saw it used? A. I never saw it used.

Q. Did you make any memorandum from which you made any report to any officer in the morning, after your duty of the night? A. No, sir.

Q. Of no description? A. No, sir.

Q. Well then, Mr. Dudley, you would have the committee understand that during all those hours of the night, from seven o'clock until you went off duty in the morning, that institution was under your care? You were the only night watchman; is that so? A. Yes, sir.

Q. And that that institution was solely under your watch, the officers depending entirely upon you to report anything which took place, which might be of service to them?

Gov. Butler: He has not testified to that.

Mr. Brown. I am asking the witness a question, may it please your Excellency.

Gov. Butler. He testifies that he was to make a single report, you know.

Q. Is that what you wish this committee to understand? A. What was your question?

Q. Do you wish this committee to understand that during the night, from the time that you went on duty, or after you struck the eight o'clock bell, until the morning, when you went off duty, this institution, with its 800 or 1,000 inmates, was under your care, with no one else responsible to look after fires or anything of that kind, or the good order of the premises, except yourself? A. Oh, they had inmates who attended to the fires during the night. They had at the boiler-house one and sometimes two firemen to keep the fires at night. They were under the direction of the engineer at the branch building; one at each building.

Q. What do you call the branch buildings? A. What are called branch hospitals. They are small buildings they move the sick — part of the sick, into.

Q. But with the exception of what was performed in that way, in the way of service, keeping the fires running, you were the sole night watchman? A. Yes, sir.

Q. Now, when you saw those boxes going off that night, did you say anything to anybody? A. Yes, sir.

Q. To whom? A. I spoke to Capt. Marsh.

Q. Capt. Marsh? A. Yes, sir.

Q. That is the old gentleman? A. Yes, sir.

Q. How soon after? A. The next day, when I got up; the first time I saw him.

Q. What did he say to you? A. He said that was all right; said that was understood; said there were a good many things in a large institution of that kind that they had to attend to at night.

Q. Anybody present when that conversation took place? A. We stood —

Q. Never mind where you stood. Who was present? A. We stood front of the office; there was no one present.

Q. No one present? A. No, sir.

Q. No one present when he told you you must not see too much? A. I think not.

Q. Was there any man who is now living, present with you when you had your conversation with Elliot? A. No, sir; we were alone. This was at night.

Q. Did you ever have any conversation with any man in regard to the management of this institution, when you made any complaint, — that is, during your connection with it, — when there was any third party present? A. Yes, sir.

Q. Who? A. You mean concerning the management of the institution?

Q. When you related anything which had taken place during the night, which, in your judgment, was not proper, — was there ever anybody present when you made those reports? A. Yes, sir.

Q. Who? A. Dr. Lathrop.

Q. When you made a report to Dr. Lathrop was anybody present besides you two? A. Yes, sir.

Q. Who? A. Thomas Marsh, Capt. Marsh and Charles Marsh.

Q. When was that? A. At the time I made that report about that man in the cell.

Q. That is, the man who came there intoxicated? A. Yes, sir.

Q. Who stayed there three days and finally died? A. Stayed there three days and died the third day.

Q. Was that after he died, or before, that you made this complaint to Dr. Lathrop in the presence of Thomas Marsh, Capt. Marsh and Charles Marsh? A. That was before.

Q. Now, sir, what did you say to Dr. Lathrop, when Thomas Marsh, Capt. Marsh and Charles Marsh were present? A. I

said he was very sick and there ought to be something done for him.

Q. Anything else? A. That is all I said.

Q. Now, did you have any other conversation about that man with Dr. Lathrop when anybody was present? A. No, sir.

Q. No other? A. I did not see anybody; no sir.

Q. Now, any other conversation as to any of those things which you have related when anybody was present? A. Yes, sir; there were some things that I related when others were present.

Q. Well, tell us what they are. A. If you will ask me for what you wish, I will.

Q. I don't want to ask you that, I want you to tell this committee when you ever had a conversation with Capt. Marsh or Dr. Lathrop in regard to the condition of any patient there when anybody was present besides yourself and the person with whom you were talking. A. When I notified Dr. Lathrop about that woman at the insane hospital who died so suddenly, his wife was present.

Q. Dr. Lathrop's wife? A. Yes, sir.

Q. And that was what hour of the night? A. That was not far from eleven o'clock that she died.

Q. Where were they? A. They were in their room. Both had retired. Dr. Lathrop got up and opened the door and I spoke. He told me not to speak so loud, and I spoke a little lower.

Q. Why did he tell you not to speak so loud? A. He said, "So as not to disturb his wife."

Q. So there is no certainty that she heard anything? A. She spoke to him, and said, "It won't disturb me, for I am awake."

Q. So she did probably hear the whole conversation? A. I think I probably woke her at the time I woke the doctor.

Q. Now, any other instance when there was a witness present, that you can recollect? A. Yes; Thomas Marsh was with the Captain when I was telling him about those children crying for bread.

Q. When was that? A. And when I was telling him about —

Q. Wait a moment. Let us take that case first. When was that? A. When I was on the night-watch.

Q. But when? Give us the date as near as you can. A. It was probably in the month of January, I think.

Q. January, 1877? A. Yes, sir. They would range from eight to ten, and perhaps up to fourteen years of age.

Q. In what part of the establishment were they kept? A. They were kept on the men's side.

Q. In what was called the old men's ward? A. Well, above the old men's ward.

Q. That is, on the floor above? A. The floor above.

Q. The same branch of the building? A. The same building.

Q. And the young man Marsh was present with the old man at the time of that conversation? A. Yes, sir.

Q. Now, was there any other instance when you had a conversation, and anybody was present? A. Not that I recollect of.

Q. Did you make any complaint in regard to the condition of this cell where this woman, Mrs. Barron, was kept, except what you have stated in your direct testimony? A. Yes, sir.

Q. To whom? A. To Dr. Lathrop, and to Capt. Marsh afterwards.

Q. They were not together? A. They were not together.

Q. Now, was there any other instance when you had a conversation, and made complaint in the presence of a third or a fourth party? A. I do not recollect that there was, with the exception of once when Mr. Sanborn was present; but he is dead, and I would not refer to him.

Q. Now, when you spoke of what became of those boxes, did you mean, from any knowledge you had, to intimate to this committee that possibly those boxes went to Exeter? A. I did not mean to intimate anything. I simply stated that that came under my observation. I do not know where they went to.

Gov. Butler. Oh, we don't think they went to Exeter, on our part.

Q. Well, now you spoke about Capt. Marsh having three grand-children, two girls and a boy, who stayed there with him? A. Yes, sir.

Q. Whose children were they? A. I don't know.

Q. Well, they were the children of one or the other of his

two daughters, — the two girls and the boy, — you don't know which? A. Yes, sir.

Q. How came you to infer they were the children of one or the other of his daughters? A. Because I was told so.

Q. By whom? A. By Thomas J. Marsh, Jr.

Q. Do you recollect the name of the boy? A. I do not recollect the name of the boy who used to come there.

Q. What was his last name? A. I think he was called Davis, but I will not be positive whether it was Davis or Atwood.

Q. Well, didn't you hear him called Davis frequently? A. I don't know that I ever heard his name called.

Q. Either name? A. I don't know that I ever did.

Q. Now comes this matter of the dead-house. You say you had a key to that dead-house? A. Yes, sir.

Q. Where did the dead-house stand? A. Right back of the barn.

Q. [Producing a plan.] Now, there is the group of buildings. See if you can point out the dead-house?

Gov. Butler. That plan was made in 1882.

The Witness. [Referring to the plan.] It has been changed considerably since I was there. I should take that for the front centre, and that for the front door; that is the insane building, I should take it to be, and this is the long hospital: that must be one of the barns; this was the carriage-house, and the dead-house would be right about there, onto the end of this long shed.

Mr. Brown. Well, that, as I understand it, is the dead-house.

The Witness. If it has not been changed since I was there: that is where it was.

Gov. Butler. Do you and the witness agree on the location of the dead-house?

Mr. Brown. That is where I understand it to be; yes, sir.

Q. Now, won't you tell us when you went on your night-watch to the dead-house which way you usually went? A. I usually went right down here, from the gate, through the horse-barn which is there; passed right through, — there were the cattle there, — came out of this barn, went into this barn, — this here was the slaughter-house, — went into this barn which contained the cattle: went right through there, and then I went

right down here; sometimes I would go along inside of this shed or carriage-house and go out this end, and sometimes I would go down around here.

Gov. BUTLER. Just let him take a light pencil and mark it.

Mr. BROWN. Not the slightest objection. [The witness drew a line upon the plan.]

Q. Now, do you mean to say that you on any occasion went into the end of that building, came through, and came out on the side near the dead-house? A. I came out of here. I came out of the barn near the end of the shed; did not come out of the end of the shed, but came out of the door on the side.

Q. The dead-house is a separate building up close against that long building? A. Yes, sir.

Q. Then you went into the dead-house? A. Yes, sir.

Q. Is that dead-house one large room? A. There is a small partition next to this building that you could put perhaps two or three corpses in.

Q. Do you mean that it is divided into two compartments inside? A. Yes, sir.

Q. By a partition? A. By a partition. In this building there, there were kept several coffins in this end of the shed, so that when they would want one they could take one out of that door into the dead-house.

Q. Any door in that partition? A. I think not.

Q. No door? A. I don't recollect any.

Q. Then, of course, you did not have to have a key where there was not any door? A. No, sir.

Q. All that you had a key to was the outside door, which led from out-doors into this sort of compartment to where this dead-house is? A. That is all I needed of a key. There was no other door locked.

Q. Now, you say there was no other key needed? A. I am very sure of that.

Q. Positive? A. Positive. I don't know but it has been changed, but when I was there there was no occasion for but one key to open one door, and that was the outside door.

Q. What was the occasion for a partition, pray, if there was no door from one compartment to the other? A. There was a doorway without any door in it.

Q. A partition, a doorway, but no door? A. No door.

Q. How many other people, within your knowledge, had a key to that dead-house except yourself? A. Well, most any one who had a set of keys —

Mr. Brown. Never mind about that.

Gov. Butler. I thought he was answering.

Mr. Brown. Well, I didn't.

Q. Who had a key to that dead-house except yourself? A. Well, I know Thomas Marsh had one, and I had one.

Q. You know that? A. Yes, sir.

Q. And that was a key that was made for that lock, was it? A. Yes, sir.

Q. The one that you had? A. Yes, sir.

Q. And the one that he had? A. I never saw that. The key I had was turned over to me by Mr. Elliot.

Q. The night watchman who preceded you? A. Yes, sir.

Q. Anybody beside Thomas Marsh and yourself, within your knowledge? A. I don't know that there was.

Q. What was the occasion of your going down to the dead-house? A. I went down there, occasionally, to see if the doors were left open, as they had been on some occasions; I went to see if the doors had been left open so that the dogs or cats might get at the bodies.

Q. When was it that you saw these four coffins, with a person in each, and afterwards saw them standing up without any person standing in them — When was that? A. That, I think, was in the month of April.

Q. What year? A. In 1877.

Q. In 1877? A. Yes, sir.

Q. Do you know where those bodies came from that were in those coffins? A. They came, I think, from the sick-hospital.

Q. That is, persons who died on the premises? A. Yes, sir.

Q. Can you tell what time in the month of April? A. I would not — I could not say what date; somewhere not far from the twelfth.

Q. About the 12th of April, 1877? A. Yes, sir.

Q. Now, what kind of a box was it that you say those four bodies were put into? A. A square, wooden box, apparently a case for a coffin.

Q. A large undertaker's box, was it? A. Yes, sir; of that description.

Q. And those four coffins were standing on end? A. Yes, sir.

Q. In the dead-house? A. Yes, sir.

Q. What part of the dead-house? A. Standing up against the partition.

Q. Up against the partition? A. Yes, sir.

Q. In the compartment as you went in? A. Yes, sir.

Q. How soon before you noticed they were put in the box was it that you had known they were in their coffins? A. When I saw them in their coffins it was about nine o'clock in the evening. When I saw them in the other box and the coffins standing up, it was about two o'clock.

Q. About two o'clock the same night? A. Yes. sir.

Q. How came you to go there at nine o'clock in the evening? A. I was making my nine o'clock round of the barns.

Q. How came you to go there at two o'clock the same night? A. I was called to the barn by hearing noises from the horses.

Q. How came you to go to the dead-house? A. I went down to see that everything was all right.

Q. No other motive? A. No.

Q. No other reason that you recall? A. No, sir.

Q. Did you ever call that to the attention of anybody? A. What do you say?

Q. Did you ever call the attention of any officer of the institution to what you saw that night? A. Yes, sir.

Q. To whom? A. I spoke of it to several.

Q. Give us the name of one. A. Mr. Barker was one.

Q. Who? A. Mr. Barker. Mr. Pope was another.

Q. What Pope? A. He used to work there.

Q. What was his full name? A. I do not recollect.

Q. What was Mr. Barker's full name? A. Frank Barker.

Q. Anybody else? A. Yes; I spoke of it to Mr. Sanborn. the gate-keeper.

Q. Anybody else? A. I don't recollect any one else.

Q. But you are certain about those? A. Yes, sir.

Q. And that you told them all you had seen that night? A. I mentioned —

Q. I do not ask what, but simply the general substance of what you saw that night? A. Yes, sir.

Q. Now, was that while you were night watchman that you told them this? A. I think it was after I left the night-watch.

Q. And were connected with the insane department? A. I think it was; I am not certain. I do not wish to state anything but the facts, and I am not positive about anything I have any doubt about.

Q. Well, that is the case with most of us. Now, you had gotten ready to leave Tewksbury, had you, when you went to Danvers? A. Yes, sir.

Q. How long had you been contemplating that? A. For six months.

Q. If you had been contemplating leaving Tewksbury and going to Danvers, why was it that you and your wife plead to be retained at Tewksbury? A. We did no such thing.

Q. Did not? A. No, sir.

Q. You never solicited either Capt. Marsh or Mrs. Marsh to forgive you for anything which you had done which was improper, and retain you at Tewksbury? A. No, sir.

Q. Never? A. No, sir.

Q. Either you, or your wife in your presence? A. No, sir.

Q. You did have some trouble with Mrs. Marsh? A. No, sir; I did not.

Q. Your wife did? A. My wife had a few words with her.

Q. And you joined in with your wife? A. No, sir.

Q. And protested that your wife was right? A. No, sir.

Q. And encouraged her — ? A. No, sir.

Q. In a sort of small rebellion? A. No, sir.

Q. For which, the next day, you went and desired to be forgiven? A. No, sir.

Q. Nothing of the kind? A. Nothing of the kind.

Q. Mr. Dudley, do you remember whether anything of that kind took place or not? A. I remember that the old lady Marsh came over to the insane building three times during the year that we were there, when, as I understood it, she was expected to do so every day. And she came three times.

Q. How did you come to understand that she was expected to be there every day? A. By what I had heard others say.

Q From whom? A. From officers — different officers.

Q. Such as whom? A. When I first went there—

Q. Just name their names, that is all. Never mind when you first went there, but just name the officers who told you that Mrs. Marsh was expected to be there every day. A. It was some of the nurses.

Q. Who? A. I don't recollect who it was.

Q. When? A. When I first went there.

Q. That is as night watchman, or as supervisor of the insane? A. As night watchman.

Q. Now go back and tell me what Mrs. Marsh said. A. She came over there, as I said, but three times. She came into the front door and sat down. She would be all tired out, and after she got rested she went back.

Q. Was this day or night? A. And the last time that she came there was in the forenoon. She saw one of our patients washing the windows.

Q. Well, give us the conversation, and never mind what Mrs. Marsh did.

Gov. Butler. That gives the conversation.

Mr. Brown. I want the conversation, but I don't want it spun out so lengthy.

The Witness. She passed one of the patients washing the windows, and she went to scolding her, talking to her in a very unladylike way; and my wife, being on the front steps, came out to hear the conversation. It was something concerning a dress.

Q. Were you present? A. I was in the little office or little reception-room close by the front door. She came up the steps and came in —

Q. You heard it? A. Only a part of it.

Q. State what you heard? A. There was something about a dress. She said that girl ought not to have on that dress; but I don't know enough about it to tell you, really; it was something concerning a dress.

Q. It has gone from you since you started? Have you forgotten since you commenced to tell the story? A. No, sir; I never, in fact, knew.

Q. You undertook to tell the committee what you could not? A. I undertook to give you the idea as nearly as I could remember.

Q. Very well. Now, if you cannot tell that, tell the next thing about Mrs. Marsh. A. The next thing was that Mrs. Marsh and my wife were having some words; she told my wife that she was a liar. If it had been any other person —

Mr. Brown. Never mind about that, just go on and state the conversation.

Gov. Butler. He is telling the conversation.

Mr. Brown. No, he is going to tell what he would do if it was

anybody else. You don't understand him clearly. Go on, Mr. Dudley.

The WITNESS. My wife replied that she never had been called such, and would not stay in a place where she was called such; and that she did not consider it was treating her fairly to call her such names. That was all the conversation that I remember.

Q. All this took place and you did not interfere? A. I did not consider it my business.

Q. Now the next day, was it, or the next day after that, you were requested to leave, both of you? A. No, sir.

Q. When was it you were requested to leave? A. I was not requested to leave.

Q. Well, ordered to leave? A. I was not ordered to leave.

Q. What was it? A. I went, directly after Mrs. Marsh returned, to Capt. Marsh, and told him I was not going to have my wife called the names she had been called, and he might get some one to fill her place as soon as he could. I also went to Dr. Lathrop and talked with him about it; that I did not care to stay there, and that I had intended to go to Danvers, and I was completely disgusted with the place, and I wished to get away as soon as possible, and I would not stand having my wife talked to in that way. He said he would try to make it more pleasant. Said he, "You must pay no attention to that woman; she has got a very bad temper; she is childish. You must tell your wife not to pay any attention to her. Let her say what she has a mind to." Said he, "I have put up a good deal with her; we allow her to do and say what she has a mind to, and don't take any offence."

Q. Now come to the day when your wife wanted to be forgiven —

GOV. BUTLER. If there was any such day.

Mr. BROWN. And asked, in your presence, that she and you should be still retained in the institution. Did you hear that conversation? A. No, sir; there was no conversation of that kind.

Q. Nothing of that kind took place in your presence? A. No, sir.

Q. Now, prior to this hearing, and this recital here of this testimony, to whom have you communicated what you intended to say here? A. To no one.

Q. To no one? A. No, sir.

Q. Mr. Dudley, are you certain about that? A. I have told no one what I was going to say.

Q. Why, you are down at Danvers, aren't you? A. Yes, sir.

Q. Haven't you told several persons down there that you were going to get a chance to go for the Marshes? A. No, sir.

Q. Have not? A. Never.

Q. Do you recollect having a conversation when you said you did not propose to go until you had been summoned? A. No, sir; no, sir; no, sir.

Q. That you had got a little speech ready to rehearse to this committee? A. No, sir.

Q. The substance of which was that you came here with great reluctance? A. No, sir.

Q. Nothing of that sort? A. No, sir.

Q. Nothing of the kind? A. No, sir.

Q. Do you know Mr. Davy of the Danvers hospital? A. Yes, sir.

Q. Never said anything of the kind to Mr. Davy? A. No, sir; but I can tell you what Mr. Davy told me that you told him.

Gov. Butler. Let us have it.

Mr. Brown. Wait one moment.

Q. You never told anything to Davy as to what you were going to testify to here? A. No, sir. He is a person that I should not want to tell anything I did not want a second party to, although we are on friendly terms.

Q. You consider him leaky? A. Well, according to the way in which he disposed of what you said to him, I should infer that he was.

Q. Anybody else down at Danvers that you have ever told anything to? A. No, sir.

Q. Are you certain about it? A. I am positive about it, — that I have never told any one what I was going to say here, in any way, shape or manner.

Q. Well, how did the Governor know what you were going to testify to, can you imagine? A. I don't know from what source he obtained his information.

Q. But you had never told anybody? Have you made an affidavit as to what was the substance of what you were to

testify to here? A. I may have said something to Mr. Innis when he came down.

Q. When did he come down? A. He came down some three or four weeks ago.

Q. And you had a conversation with him? A. Yes, sir.

Q. Now, you say you might have — is it not a fact that you did tell Mr. Innis what you have testified to? A. I don't recollect what I did tell him.

Q. You did tell him all you could think of at the time? A. No, sir.

Q. Well, you told him a good part of what you could think of? A. I did not tell him but a very little.

Q. But you did tell him something? A. I did not know who he was, what his office was, or what he wanted.

Q. Did not communicate with him in any way as to what was to be said, or why he wanted to interrogate you? A. No, sir.

Q. Mr. Dudley, you have no feeling against Mrs. Marsh? A. No, sir.

Q. No hostility? A. No, sir.

Q. Don't think she has ever wronged you? A. I have never had an unpleasant feeling toward her in the world.

Q. You never have told anybody that you had hostility against Mrs. Marsh, the old gentleman, or Thomas? A. I considered her an object of pity.

Mr. Brown. Never mind that, sir. I want to know whether you had any feeling against her.

Gov. Butler. He is telling his reason for not having any.

Q. What was it? A. I considered her an object of pity: a poor, old, infirm woman.

Q. Now, Mr. Dudley, did you, since the first day of last November, have a conversation with any person in which you stated this in substance: that you proposed to get square with the Marshes? A. No, sir.

Q. A conversation with any person in which you detailed what you purposed to testify to here, or at any hearing which should take place, if the Tewksbury almshouse should be investigated? A. I never expected to be brought before the committee.

Q. I do not ask you that. A. I never said anything of the kind.

Q. Never have? A. No, sir.

Q. To any person? A. No, sir.

Q. At Danvers or anywhere else? A. No, sir.

Q. Now, Mr. Dudley, won't you tell the committee why you didn't call the attention of the trustees to this matter that you have detailed here to the committee, — the trustees of the institution? A. I did speak to the trustees.

Q. To whom? A. To Mr. Elliot and Mr. Nourse.

Q. Yes, in regard to the matter about which you testified: but in regard to anything else did you? A. No, sir.

Q. Why not as to other matters? A. I thought it would be stepping over the superintendent's authority.

Q. But you knew things were going on there which were an outrage to humanity, didn't you? A. Yes, sir.

Q. But still you thought you would keep within the limits of your own authority? A. Yes, sir.

Q. Never told Mr. Nourse anything, except just in the instance you have referred to? A. That is all I can recollect.

Q. Now, Mr. Nourse had occasion to take you and talk to you several times in regard to your dereliction from duty, didn't he? A. Never.

Q. Never? A. No, sir.

Q. On any occasion? A. On any occasion.

Q. On one occasion didn't he find you a longer distance from the buildings than you ought to be? A. No, sir.

Q. And call your attention to it? A. No, sir.

Q. Never in any instance? A. Never in any instance.

Q. None of the trustees found you doing things which you were supposed not to do, and called your attention to it? A. No, sir. There was never a word of fault found with me, and I never was spoken to for any neglect of my duty while I was there.

Q. And never was discharged? A. Never was discharged. They didn't want to discharge us.

Q. Never mind about that. A. That is the fact.

Q. Now, what was the name of this woman that you say had been nine days in the room without food? A. Margaret Hennessy.

Q. She was an insane person, was she? A. Yes, sir.

Q. Do you know where she is now? A. She was sent to Worcester from that place.

Q. While you were there at Tewksbury? A. Yes, sir.

Q. Was anybody present at this time when you say Capt. Marsh told you that these people were brought there to Tewksbury to die? A. I do not know that there was. I am not sure about that.

Q. You spoke of this woman Kate. She was an inmate, was she? A. Yes, sir.

Q. She was acting as a sort of nurse for those children? A. She was a night nurse.

Q. How many did she have under her charge? A. She would have sometimes thirty, and sometimes more.

Q. And she exhibited to you a bottle which contained something, and you said that was what? A. I smelled of it, and tasted it, and called it morphia — spirits of morphia.

Q. Well, what did it smell like? A. There was no particular smell to it.

Q. Well, the smell of morphia? A. Yes; there is not much smell to morphia.

Q. There is some? A. There is some, but you can hardly describe it; it is a sluggish smell.

Q. She said the doctor had given her that, did she? A. She said that the day nurse left it in the cupboard where she could get it. The doctor gave it to the day nurse.

Q. Do you recollect the name of this woman that you say died by rolling out of bed or something of that kind, there in the hospital, when you called on Dr. Lathrop and he would not get up? A. Her name was Burns — Bridget Burns, I think. It was either Margaret or Bridget; I am not positive, but I am inclined to think it was Bridget.

Q. Do you recollect about when that was? A. That must have been in May; I will not say certainly, but it was April or May in the year 1878. I could tell exactly when it was by referring to the book I used there — a record of deaths.

Q. Haven't you told this committee that you didn't keep any record of anything that took place while you were there? A. When I was on the night-watch.

Q. Oh, you did? A. When I was in the insane building I had a book in which I kept the admissions, discharges and deaths.

Q. Was that book connected with the institution? A. That belongs to the institution; yes, sir.

Q. A blank book? A. Yes, sir.

Q. With regular places for entries, ruled and printed? A. Yes, sir.

Q. What do you call it? A. There was no particular name. It was to keep an account of the admission of the patients for that side of the building, an account of their discharge and of their death.

Q. Was that kept in the office, or kept by you in the building? A. It was kept by me in the building.

Q. Where is it now? A. I left it there when I went away.

Q. And have not seen it since? A. I have not seen it since.

Q. And all the entries during that period are in your handwriting? A. Yes; I think so.

Gov. Butler. Suppose we have that book here.

Mr. Brown. Well, sir, if we can find it, you shall have it.

Re-direct examination.

Q. (By Gov. Butler.) I want to ask you a question or two Who bought the coal there? A. I don't know.

Q. What road did it come over? A. It came over the Boston & Lowell.

Q. The Boston & Lowell? Which was nearest to the institution: the Boston & Lowell or the Boston & Maine? A. The Boston & Lowell was a trifle the shortest—a little the nearest.

Q. And did it all come over the Boston & Lowell? A. Yes, sir.

Q. Now you have told us that the matron did not visit there but three times during the time you were there? A. Three times during a year and three days.

Q. Did she ever go through your wards and the rooms connected with them, to see the condition they were in? A. Never.

Q. Did anybody else? Did the assistant matron ever visit there? A. No, sir.

Q. Who was the assistant matron? A. I don't know that they had any assistant matron. They had several matrons.

Q. They had several matrons under the direction of the head matron, and the head matron was N. F. Marsh? A. Yes, sir.

Q. How many were there? Six, including Mrs. Marsh? A. I think there were.

Q. Did any of those assistant matrons visit there regularly? A. No, sir. We had full charge.

Q. You had it all your own way? A. Yes, sir.

Q. Well, was not young Mrs. Marsh an assistant matron there? A. She was head seamstress.

Q. So there was no supervision of your work during all the time you were there? A. No, sir.

Q. Now I want to ask you about Mr. Elliot. There was something said about his being dead. When did you see him last? A. I was told about a week ago that he was alive and in this State somewhere.

Q. So that at least you have heard of him? A. Yes, sir.

Q. Who told you? A. Mr. Barker.

Q. Have you ever heard of his being dead? A. Never.

Q. Until brother Brown thought he might be dead. Now Mr. Nourse, one of the trustees, lives over in Winchester? A. In Boston.

Q. He is connected with the Boston & Lowell Railroad? A. Yes, sir.

Q. The other trustee lives in Lawrence? A. In Lawrence.

Q. Mr. Spalding? A. He was an apothecary, and furnished the institution with medicines.

Q. What? A. Furnished the institution with medicines.

Q. Well, do you know about how many hundred dollars it costs to furnish medicines under those circumstances? A. Well, I have been in several institutions —

Mr. Brown. Perhaps I can relieve you. Mr. Spalding is not in the apothecary business and never was.

Gov. Butler. Well, pardon me; I understand all about it. He was in the old-clothes business and he furnished the medicines. Oh, you will hear all about that before I get through.

Q. You say you had had experience in other institutions? A. Yes, sir. I was at Northampton about eight years, and at Danvers about five. Q. Well, sir, what was the amount of medicines which it took to run this institution at Tewksbury? A. I did not have any way of knowing just the amount; but from what the doctors told me, they used an enormous amount of medicine; much more than they did at Northampton, and much more than they are using at Danvers.

Q. Could you approximate the amount? A. No, I could not, with certainty.

Q. (By Mr. Brown.) The Mr. Spalding you refer to is in the apothecary business, is he? A. I understood that he was.

Q. What do you mean by "understood?" Do you know anything about it? A. I never was at his place of business.

Q. You don't know anything about it except what somebody told you? A. No, sir.

Q. You don't even know his name, except that it is Spalding? A. I don't know his first name. He was called Spalding.

Q. Then you don't feel certain that the Spalding at the Tewksbury almshouse is in the apothecary business, do you? A. I never was certain about it, because I was never there to see him in his store; but I was told he was.

Q. Why didn't you tell the committee that you had heard so? A. I did not intend to make a positive statement; but it was impressed upon me that it was so.

Mr. Brown. I will excuse you.

Gov. Butler. He inferred it, probably.

The Chairman. Have the committee any questions to ask this witness?

Q. (By Mr. Mellen.) What was the cause of your getting through at Northampton? A. I was about to be married at that time; I had been there eight years, and I wanted to make a change. I will show you the recommendations that I and my wife had under Dr. Earle, if you would like to see them.

Q. When you were getting through there? A. Yes, sir.

The Witness. I merely want to say to this committee that I have not been making false statements here. I did not come here voluntarily. To show them whether I was a good hospital attendant I would like to have them read the reports from Dr. Earle, and the recommendations from my present place, if they wish to.

Gov. Butler. And I was going to rise to offer them. We will take the Lowell one first. I have here the one from Dr. Lathrop.

Asylum for the Insane,
Tewksbury, July 11, 1878.

I take pleasure in stating that Mr. and Mrs. Dudley have been supervisors of the insane in this institution. They have been faithful and efficient, and have been earnest in their endeavors to promote

the well-being of the patients under their charge. They leave with my best wishes for their future success.

WM. H. LATHROP, *Resident Physician.*

NORTHAMPTON, June 20, 1876.

Miss Fanny R. Powers has been employed as attendant at this hospital during the last three and one-half years, and has performed her duties to my entire satisfaction. She leaves voluntarily, having worked out her notice of four weeks. As an attendant she has ranked, in my opinion, much above the average.

PLINY EARLE, M.D., *Superintendent.*

NORTHAMPTON, June 19, 1876.

Mr. Charles H. Dudley has been employed in this hospital as attendant during the last seven years and two months, and has performed his duties to my satisfaction. He now leaves voluntarily, having worked out his notice of four weeks. He has a natural aptitude in the employment of an attendant and the happy faculty of enjoying and preserving the confidence and good-will of the insane who are under his care.

PLINY EARLE, M.D., *Superintendent.*

DANVERS LUNATIC HOSPITAL,
DANVERS, MASS., Aug. 28, 1882.

To whom it may concern:

I take great pleasure in adding to the number of testimonials already given by others to Mr. and Mrs. Charles H. Dudley; their four years' service in this institution having more than proved them worthy of the excellent recommendations they brought with them: and I cannot express too strongly my appreciation of their worth in the positions they have filled in this hospital; both possessing to a marked degree the best qualifications for the position, executive ability, sterling integrity, evenness of disposition, firmness, determination, excellent judgment, and *always reliable.*

S. C. ROSE, *Treasurer and Steward.*

Q. (By Mr. MELLEN.) Did you see the "Springfield Republican," Saturday, Mr. Dudley? A. No; I did not.

Q. I did not know but you might have seen an insinuation that your veracity was not above par up in that direction. Is there any reason for such an insinuation? A. No, sir: unless it is from political influence.

Mr. BROWN. Is your politics that of the "Springfield Republican?"

Gov. Butler. Well, if he knows what those are.

I now desire, may it please the committee, to have sent to my office the books of the institution showing purchases and expenditures — the purchases for the last five years, and all of the sales of the institution for the last ten years. The committee will observe by the auditor's report that certain returns are made of income from the State almshouse: "Thomas J. Marsh, superintendent, for articles sold, etc., $1,420.36." I want the books upon which all those returns have been made for the last ten years; because, of course, there must be an itemized bill.

The Chairman. I will notify the superintendent.

[Adjourned until 9 A.M., Tuesday, April 3.]

FOURTH HEARING.

Tuesday, April 3.

The committee met in the Green Room at 9 A.M., Senator Loring of Worcester in the chair.

The Chairman. Seven members of the committee are present and we are ready to proceed.

Gov. Butler. I want to say to the committee that I have made two requests for books and none have been sent to me or come to me.

The Chairman. I understand, Governor, that the books are ready to be delivered to you.

Gov. Butler. Well, where? At Tewksbury?

The Chairman. I understand they are here.

Gov. Butler. But I ask that they may be sent to my office for examination.

The Chairman. They will be sent there.

Testimony of Miss Mary F. Manning (*sworn*).

Direct examination by Gov. Butler.

Q. Miss Manning, you live in Tewksbury, near the almshouse? A. I do.

Q. And have lived there all your life, I suppose? A. That is my native place, but I have not been there all my lifetime.

Q. You were born there? A. Yes, sir.

Q. How long have you lived there continuously, reckoning back from now? A. Some twelve or fourteen years, I think.

Q. Who carried on the place when you first began to live there? A. My brother.

Q. What was his name? A. James Munroe Manning.

Q. And you came there to live with him? A. After he buried his wife, I went back home and stayed with him.

Q. Which was about fourteen years ago? A. I should think it was something like that.

Q. When did your brother die? A. It would be five years next October. He died on the third day of October.

Q. Whether your brother was engaged, any part of this time, in carrying bodies to the medical college in Boston? A. Well, I don't know; of course I don't.

Q. You don't know? A. No, sir.

Q. You don't know whether he was or not? Don't know that he carried any? A. Well, I am speaking from what I know, and not from what I suppose.

Q. Do you know, madam, whether he carried one? A. I don't know.

Q. Well, did he start with any? Did he leave home with any? A. That is what I don't know.

Q. Did he use to make frequent visits to Boston? A. He went to Boston and went to other places. I don't know where he went; I know he went away from home, but where he went I cannot say.

Q. Frequently away from home. In what sort of a team did he go? A. Sometimes three-horse, sometimes four, sometimes two, and sometimes one.

Q. In what sort of a carriage did he go? A. Well, he had a number of different ones.

Q. Did he ever have a two-horse wagon? A. Yes: he had a two-horse wagon and a one-horse wagon, and carts, and all those things.

Q. And did you ever see any boxes in any of those carts or wagons, or either of them? A. I could not say I had not seen boxes, because I had seen him carry pigs in a box. I have seen that.

Q. Did he go regularly or irregularly? A. He didn't go regularly anywhere.

Q. Did he go most every week? A. He was going somewhere; I could not say where.

Q. I know. But did he go somewhere? A. Yes.

Q. With his two-horse wagon? A. Sometimes two and sometimes one.

Q. Well, how often did he carry pigs? A. Well, I could not say; he might a number of times. I know of one day when he did that.

Q. You saw him once carry a pig? A. Yes, sir.

Q. More than one? A. Yes, sir; he had two pigs.

Q. Was that on more than one occasion? A. I know that he did it once; that is all I know.

Q. Now then, at other times did you see him go away with this box in the wagon? A. I don't know anything about that: I cannot tell you. I saw him once go away with pigs.

Q. But leave the pigs out; we have got those settled. Now I want to know whether he went away with this box in the wagon? A. I could not say that he went away with that.

Q. Well, did you see the box in the wagon? A. No, sir: I don't remember anything about seeing a box in the wagon.

Q. Where did he keep the wagon; in the barn? A. Sometimes in the barn, sometimes in the carriage-house, and sometimes outside.

Q. Did you ever see a box in the carriage-house? A. I never did.

Q. What? A. I never did.

Q. Ever see any box in the wagon? A. I told you, I saw a box in once; that is all I know about it.

Q. When the pigs were there? A. That is all I saw.

Q. And you never saw any, any other time? A. I could not swear to anything more. I want to swear to the truth, and nothing but the truth.

Q. Now, madam, did you continue the business yourself after he died? A. Well, now I can talk business with you: I am talking about my own business now.

Q. Did you take up his business where he left it? A. I—

Q. Did you take up his business where he left it? A. I took up the business.

Q. What business? A. Of transportation.

Q. Transportation of what? A. Well, that is more than I can tell you — of what — for I never saw one.

Q. You never saw one? A. I never saw one.

Q. Saw one what? A. I don't know what.

Q. Well, you are in the business of transportation? A. Of course I cannot swear to what I don't know.

Q. Look these men in the face, and tell me on your oath, whether you do or do not know that you have been engaged for four years in the transportation of dead bodies? A. I have been engaged in transportation; but whether they were bodies or what, I could not say. Do you understand?

Gov. Butler. Yes, I understand.

The Witness. I am here to take my oath to the truth.

Gov. Butler. You began that way.

The Witness. Yes, sir.

Q. Now, you have been engaged four years in transportation? A. Yes, sir.

Q. What did you get for what you transported? How much a ton? How did you settle? A. Why, so much apiece.

Q. For what? A. For what was transported.

Q. What was transported? A. That is what I don't know.

Q. You lived near the neighborhood of the Marshes for a great while? A. When I have been at home. I have lived there all my lifetime except when I have been away.

Q. Now how much did you get apiece for what you don't know? A. For what I do know.

Q. Oh, you do know how much, but you don't know what it was for? A. For transportation.

Q. Transportation of what? A. How can I swear to anything I never see?

Q. Pardon me; for what? How much did you get apiece for the transportation of what you don't know? A. For whatever they carried I got $10 for one and $12 for another; $10 to one place and $12 to the other.

Q. Did you have the same cart or wagon that your brother had? A. Part of the time.

Q. You took the same wagon. Were those things that you got $10 apiece for one and $12 apiece for the other—were those things carried in boxes? A. I don't know what they carried them in; I could not see.

Q. Well, were any of the boxes in the wagon when you were carrying on the business of transportation? A. I never go to the wagon to look to see.

Q. Don't you know whether there are boxes in your wagon when you are carrying on transportation? A. How could I tell?

Q. By seeing them. A woman of business carrying on the transportation of something— A. I have a man to do the business; and how can I see what they carry if anybody hires my team and pays me for it.

Q. Well, to whom was the $10 paid for one and the $12 for the other. A. To me.

Q. To you? A. Yes, sir.

Q. Do you keep books? A. I don't have any books. I don't keep any.

Q. Do you have any memoranda? A. I put down a mark, and when they pay me I rub it out.

Q. You chalk it down, and when they pay you you rub it out. That is the extent of your books? Does your man work by the month? A. My man works by the month.

Q. How much? A. $25 a month.

Q. Who is he? A. His name now is Charles Rollins.

Q. When did Charles Rollins begin? A. He commenced last October.

Q. Who was your hired man, your master of transportation, before that? A. I had Charles Phillips one winter; the first winter after my brother died.

Q. Is he alive? A. That is more than I can tell you. I have not seen him the last two or three years.

Q. He was a negro? A. Yes, sir.

Q. Whom did you have next after the negro? A. I had Mr. Joseph Chase.

Q. Joseph Chase. Is he the son of the Mr. Chase who used to work at the State almshouse? A. Yes, sir.

Q. How long did he carry on? A. He stayed there, I think, about three years — not quite.

Q. And then came Mr. Charles Rollins? A. Yes, sir.

Q. And he is there now? A. Yes, sir.

Q. Is the business going on? A. Well, I think not much.

Q. Not as flourishing as it was? A. It was never so terribly flourishing.

Q. "Never so terribly flourishing." I think that is a good word. Is it as terribly flourishing, what there is of it, as it was some time ago? A. I don't know anything about it; since I have been in the business it has not been so.

Q. Who pays you that $10 and $12? A. Mr. Marsh.

Q. Which of the Marshes? A. Mr. Thomas Marsh.

Q. There are two of them; which is it? A. Mr. Thomas Marsh, Jr.

Q. Very well. Does he take a receipt? A. Yes, sir.

Q. Every time he pays you? A. Yes, sir.

Q. And always has done so? A. Yes, sir.

Q. Did your brother carry on this transportation business of what you don't know? A. I don't know anything about what my brother did.

Q. You were there living in the house? A. I was there in the house. He was a man who kept his business to himself. He did not tell me.

Q. I did not ask you whether he told you, but whether you knew? A. I don't know his business.

Q. Whether you knew that he carried on his business the same as you carried it on afterwards? A. All I know about it is, that just before he died he told me that Mr. Marsh thought it was very inconvenient to have the business done from anywhere else. When he told me then it was the first time.

Q. He told you just before he died that who thought it was inconvenient to have it done anywhere else? A. Mr. Marsh.

Q. Which one? A. Thomas J. Marsh, Jr.

Q. That it was inconvenient to have it done anywhere else. And then he wanted you to take it up, did he? A. Yes. My brother told him I would probably keep the horses and do it. That is why I did it.

Q. You did it at Mr. Thomas Marsh's request. And that would be just before your brother died, — in his last sickness? A. Yes, sir.

Q. And you kept it going. How do you know what is being carried, so as to know what to charge for? A. How do I know? I don't know what was carried. I knew what he said; that is all I know about it. I cannot know a thing that folks tell me, can I?

Q. You can when you want to, because you knew what your brother told you when you wanted to, and you told me what he said. A. You cannot suppose a case.

Q. What I desire to get at is, you are doing the transportation business, and your hired men were transporting something. Now, how did you know whether they were transporting more than you got paid for, or less? A. That is their business, not mine.

Q. I should think it would be yours if they used your horse and wagon to transport something, and you did not know what it was, and did not get paid for it. A. They paid me for what they said they transported, and I could trust them.

Q. How long had this negro Phillips done the work for your brother before he died? A. I think he worked there about two years; I won't be certain.

Q. Did the old man, Mr. Chase, go down at any time, to Boston, driving the team? A. He never drove my team down that I know of.

Q. Didn't he go down with his son when he first began?

A. I believe he went down with his son once; that is all I know of.

Q. That is what he says, madam, with this team of yours? A. With my team.

Q. Did you see him start? A. No, sir.

Q. Did you see him come back? A. No, sir.

Q. Ever have any talk with Thomas Marsh to this effect. — I don't give the exact words, but the substance. — about whether you ought to be paid for carrying the little ones? A. Some he paid me for.

Q. What? A. They carried some, and he paid me for them.

Q. How did you know they were little ones? A. They told me.

Q. Little what? A. He said little ones were transported; I don't know that he told me what.

Q. You don't know as he told you what? Well, some you carried, and he did not pay you for? A. I don't know anything about that.

Q. Didn't he say he would only pay you for the old ones? A. No; he didn't say anything of the kind.

Q. Did he pay you always for the little ones? A. He told me he would pay me for large and small.

Q. Did he? A. He did.

Q. All of them? A. He did.

Q. Well, large what and small what? A. Well, that is what I don't know. How should I know when I didn't see them.

Q. Had you boxes that contained little ones and large ones? A. I don't know that, for I did not go out with my man. My man did my business.

Q. But pardon me. Those boxes, — those little ones and great ones — A. I don't swear to what I did not see.

Q. Those boxes came to you as a part of your brother's estate? A. No, sir.

Q. Did you get them built? A. No, sir.

Q. How did they come to you? A. I don't know that I have any boxes that came to me, excepting some sugar boxes that may be out at the barn.

Q. Well, were these small ones and big ones carried in the open wagon or in boxes? A. I cannot tell you.

Q. Don't you know whether those wagons have got any

boxes to them? A. No, sir. The wagons I know have no boxes to them.

Q. Are there any boxes to go into them? A. No boxes ever made to fit the wagon that I know of.

Q. I do not ask that. Did any boxes go into them? A. That I don't know. I did not do the teaming myself.

Q. Don't you know whether they put boxes into the wagon? A. That's what I don't know, — how they did it.

Q. Did you ever inquire? A. No, sir.

Q. Had not any curiosity about it? A. I generally have business of my own to attend to.

Q. But this was your business? A. I don't ask my man everything he does when he goes out on the farm.

Q. No; I don't ask you about everything; but you ask him sometimes how he is getting along; whether he has finished planting, or anything of that sort? A. If I asked him I could not swear to it.

Q. Did you ever ask him, — either of them, — anything about this business at all? A. I could not swear that I ever did.

Q. Will you swear you did not? A. I will swear that I did not.

Q. Where do the wagons go to load? A. I could not swear to that, for I don't go with them.

Q. I know; but do they go away from your house, or at your house? A. I could not say, because I do not go with them.

Q. Hear my question. Where do they go to load? A. How can I tell you when I was not there?

Q. You were there when they started, were you not? A. I was in the house. I could not tell where they loaded.

Q. Well, you could look out the window? A. I don't trouble myself to look out the window to see what other people are doing.

Q. But what your people were doing? A. I don't look out for that.

Q. Well, now, did they load at your house? A. I don't know anything of the kind.

Q. Was there anything there to load them with? A. I don't know that, either.

Q. Don't you know whether there was anything there to load with? A. No, sir.

Q. Well, where were you transporting from, and where were you transporting to, something for which you were getting $10 for one and $12 for the other? A. My bills are brought in for transportation. How can I tell? I don't go with them.

Q. Your bills are brought in to you for transportation? A. Yes, sir; that is all.

Q. Who brought in the bills? A. Mr. Thomas J. Marsh, Jr.

Q. Thomas J. Marsh, Jr., brought in the bills? A. Yes, sir.

Q. What! for your transportation? You were transporting for him, were you not? A. He hired my team to do the transporting.

Q. Did he hire — ? A. He hired my man and team; yes, sir.

Q. Then it was not anything that went from your house that was transported? A. Not that I know of.

Q. Nothing ever came there? A. I could not swear to that, either.

Q. To your knowledge — Nothing ever came there to your knowledge? A. How could I know?

Q. Oh, yes; you could know if you did know? A. I cannot know a thing unless I see it, can I?

Q. Oh, yes; you know you breathe but you cannot see it. A. I do not propose to swear to anything except what I know.

Q. Can you tell me, madam, whether you did or did not know — A. I didn't.

Q. Know what? Can you tell me whether you do or do not know that some things came to your house? A. I do not know.

Q. You do not know whether they did or didn't? A. No.

Q. Who made out these bills, if you know, for transporting? A. I told you that Thomas J. Marsh, Jr., made them out.

Q. Did you ever ask your man whether they were correct? A. No, sir.

Q. Never? A. No, sir.

Q. And he hired your horse and team, — your team and man, — to do transporting? A. Yes, sir.

Q. Where were those two places that he was paid for? A. He said they were hospitals. I could not say where they were for I never was there.

Q. Where did he say they were? A. One was Harvard and the other was — I forget now.

Q. At South Boston? A. Yes. The ladies' female college, I think.

Q. Well, now, will you have the kindness to tell me whether the bargain was — whether there was any other bargain than this; that he was to have your man and team and pay you $10 for transporting something which you did not know what, to one place, and $12 for transporting something that you did not know what, to another place which was a little farther off, down to South Boston. Was there any other bargain than that? A. There was no other bargain that I know of.

Q. Won't you try to think? What was the bargain for little ones? A. He paid me so much; I don't exactly remember. I will tell you one thing; he has the bills and you can refer to them.

Q. Pardon me. I have you as a witness now. I want you to tell me how much was paid you for little ones. A. Well, he has the bills; I don't remember exactly how much apiece, but it was so much.

Q. Well, it was so much? A. The bills will tell. I presume he will show you the bills if he has them.

Q. Was it so much apiece? A. I suppose it was apiece He paid me all together, at different times.

Q. He paid you by the piece for this something — the large ones; were the little ones paid for by the piece? A. I don't know, but I suppose they were all reckoned in when he paid me so much apiece. I do not remember exactly what they were; I say the bills will show.

Q. Was there any price paid for the little ones? A. I don't remember. I know there was a price agreed upon, but just what it was I could not say.

Q. Was there any difference in price between one little one and another? A. I don't know anything about that. He has the bills and they will show. I cannot tell you what I don't know.

Q. Well, I am talking to you. You are making a bargain and receiving a price. Were the little ones to be three dollars? A. I don't recollect.

Q. Were the little ones to be five dollars? A. I don't recollect.

Q. Can you give me any price that any little one was to be? A. No one in particular.

Q. Any in general? A. I say he paid me for them all together, and the bills will show what he paid me. I don't recollect.

Q. You cannot tell me any one price? A. I do not remember all these little things and I did not expect to be called into public to explain them.

Q. We are only talking about little ones now. A. They must be, I suppose.

Q. And I want to ascertain what you got for small ones? A. Well, you refer to the bills and you will find out.

Q. No; I can only find out what Mr. Thomas Marsh says it was. A. Well, how can I tell you?

Q. Because you got the money. A. Got the money? Well, the bills will tell you how much money I got.

Q. Oh, no, they won't. Did you read the bills? A. Read them? Yes; of course I did.

Q. Very well; then you must have known from the reading? A. I cannot carry the exact language, and I am not going to say.

Q. Well, how lately has he paid you any money? A. I think he paid me some last November.

Q. Last November? A. Yes, sir.

Q. Has he paid you any since? A. No, sir.

Q. You have not done any business since? A. Haven't done any business since?

Q. Of this transportation? A. I guess there has been some done since.

Q. Well, have you done it? A. Have I done it? The same as I ever have done it.

Q. Have you been paid for it? A. No, sir.

Q. And you haven't been paid up since last November? A. No, sir.

Q. Do you remember what day in November payment was stopped? A. No, sir.

Q. The day after election? A. I could not tell you.

Q. I did not know but you might remember about that. A. No, I do not.

Q. Now, tell me how many $10 and $12 ones have been transported since last November, that he still owes you for; you must keep an account in order to collect your debts. A. I could not tell you exactly; I could come somewhere near it.

Q. Well, who keeps the account of those marked down?

A. I mark it down with a pencil mark — one, two, three, etc., and when they are paid I rub them off.

Q. Where do you mark them? A. Sometimes on a piece of paper, and sometimes on the side of the house — wherever it happens to be.

Q. Well, how many have you got marked down? A. I did not count them before I came away.

Q. You did not. Don't you know? A. No, I could not say that I actually knew.

Q. You cannot say that you actually knew. You cannot know without actually knowing? A. Well, I don't know, and I am not going to guess at it. I am not here to guess.

Q. As nearly as you can, madam. A. I think there are four in January.

Q. What? A. I think there were four this last month. I think I can remember that.

Q. That is, in March? A. Yes, in March.

Q. Four in March. Were those little ones, any of them? A. I don't know. I have not been paid for them.

Q. You cannot tell whether they are little ones until you are paid? How did you mark them down? A. I put down a mark.

Q. Don't you know whether it was a large one or a little one? A. I deal with a man who I know is honest and who pays me what is right.

Q. Why do you mark it down at all? A. He wants to know how many.

Q. Well, he wants to know how many ten dollar ones, how many twelve dollar ones, and how many little ones? A. Yes, sir; I suppose so.

Q. Then you mark it down, don't you? There are not many little ones now, are there? A. That is what I don't know, just now, until he pays me.

Q. Well, we have how many there were in March — four. How many in February? A. I could not tell.

Q. About how many? A. There were not a great many; I could not tell the exact number.

Q. Well, as near as you can, madam. A. As near as I can — I cannot tell; so it is of no use.

Q. Then he can cheat you to death, can't he, if he chooses? A. I don't expect him to; I cannot help it if he does. How can I? I cannot tell how many things I have got marked down. I should get what I had got marked down.

Q. If you cannot tell how many there were in February, how many were there in January? A. I think there were not but five.

Q. Were there more in February than in January? A. There may be more, but I cannot tell you the number.

Q. How many in December? A. I do not know.

Q. About how many? A. I should not say, because I could not tell you.

Q. Five? A. I should think likely as many as that.

Q. Should you say there were not seven? A. When I can state a thing for a fact I state it, and when I can't I don't.

Q. Can you say there were not twelve? A. I do not say whether there were or were not.

Q. Do you know whether there were or were not? A. No; I don't.

Q. How many trips a week does your team make? A. I could not tell you.

Q. About how many? A. I could not really tell you that.

Q. How many on the average? A. I could not really tell you that.

Q. How many big ones do they take a trip? A. I don't go after them.

Q. No; I know that. How many big ones do they take a trip? A. I don't go after them.

Q. Couldn't you see? A. I have a covered wagon.

Q. You have a covered wagon? A. Yes, sir.

Q. Are those things that are transported put right into the wagon without any box? A. I do not know anything about that, sir.

Q. You don't know anything about that? A. No, sir.

Q. Now, madam, upon the responsibility of your oath will you tell this committee that you do not know that you have been engaged in the transportation of dead bodies? A. I have been engaged in the business of transportation; whether they are bodies or not I don't know, for I never saw one.

Q. I don't ask you the reason. Will you swear you don't know? A. I swear I never saw one.

Q. I don't ask that? A. How could I swear to a thing I never saw.

Q. Let me ask the question directly, so that you will be held responsible for all the consequences. Will you now swear to this committee that the thing you have been talking about and

the transportation you were doing was not the transportation of dead bodies from the Tewksbury almshouse? A. I don't know it.

Q. You don't know it? A. I never saw one.

TESTIMONY OF MRS. CHARLOTTE A. THOMAS (*sworn*).

Direct examination by Gov. Butler.

Q. Mrs. Thomas, what is your full name? A. Charlotte A. Thomas.

Q. And you live where? A. At Andover.

Q. How long have you lived at Andover? A. I was born there.

Q. And have lived there all your life, I suppose? A. Nearly all my life.

The WITNESS. (Weeping.) I am kind of nervous.

GOV. BUTLER. There is no occasion for emotion, Mrs. Thomas.

The WITNESS. This has troubled me very much, coming here.

GOV. BUTLER. What?

The WITNESS. This has troubled me very much, coming here

GOV. BUTLER. It has troubled you very much having to come here.

The WITNESS. Yes, sir; I beg pardon; I will try to do the best I can.

Q. Did you ever live at Tewksbury? A. I was at the State almshouse nearly ten years.

Q. Nearly how long? A. Nearly ten years.

Q. In what capacity? A. When I first went there, in 1870, I went there to take charge of the dairy. I continued in charge of the dairy for five years, or nearly five years.

Q. Those were the five first years? A. Yes, sir.

Q. Tell me as nearly as you can when you went to Tewksbury? A. I went on the 6th of July, 1870.

Q. And then you stayed until when? A. Until the 30th of May, 1880.

Q. And then you went to your home at Andover? A. I went and made a visit with an aunt of mine — I went home to Andover and remained two weeks; then I visited an aunt of mine for six weeks at Stoneham, and after that I went home to take care of my mother, an old lady, who has a broken hip; and I have been with her since that time.

Q. Being there ten years. Had you any trouble about leaving? A. I had a dispute with one of the assistant physicians, Miss Dr. Pease.

Q. Was that the cause of your coming away? A. I don't know, sir. I was not told why I came away. Capt. Marsh told me he had nothing to do with it; Dr. Lathrop told me that he had nothing to do with it; and Mrs. Marsh told me that she knew nothing about it.

Q. You were first in the dairy department, you say? A. Yes, sir.

Q. From there where did you go? A. When they gave up making butter there was no opening there, and Capt. Marsh said — they then had a board of inspectors — and he told the board of inspectors that he was more sorry for losing me than he was for giving up the making of butter; and he said he would like to keep me in the institution, and if I would remain he would like me to take charge of the men's sleeping-rooms, and look after that, and do some other work. I had the gentlemen's private rooms to look after — those that had not their wives with them.

Q. How long did you remain at that, madam? A. Nearly two years.

Q. Where did you go then? A. Then Capt. Marsh wanted that I should take charge of the lying-in patients. There was great complaint about the lying-in patients at the hospital, and he wanted them moved to the main building, and that I should take charge of the lying-in patients, the convalescent-room adjoining the long room, and the nursery, the two rooms for the old ladies, besides caring for those single gentlemen's rooms; and I did all that.

Q. You took charge of that? A. Yes, sir.

Q. And did you remain in charge of that during the whole time? A. Yes, sir; up to my leaving.

Q. How many patients had you, madam, on the average? A. Do you mean in the lying-in hospital?

Q. The lying-in room; yes. A. On the average per week or per month?

Q. Well, daily average, say? A. Well, some days we would not have, — several days we might have none, and another day we might have three. I have had three in at a time.

Q. Well, three at a time. Was there somebody there pretty much all the time? A. Oh, yes, sir; we always had patients there.

Q. You always had patients there. Now, during that time, whether Mrs. Marsh, the matron, visited the lying-in hospital? A. Never, sir. The first year I did not see Mrs. Marsh in the lying-in room; but the next year I think she visited — well, if I should say three times, it was the most that I saw her there.

Q. Who was your doctor? A. Our head physician was Dr. Lathrop.

Q. How much was he there? A. Dr. Lathrop might have averaged once a fortnight, but not oftener.

Q. Who was the head nurse or woman? A. We had many. The assistant physicians changed about, and would take charge of the lying-in patients for three months, and then they would change and go to the hospital; and we had Dr. Marston, Dr. Putney, Dr. Foster and Dr. Cummings during my stay there, and Dr. Pease.

Q. Well, how many assistant physicians did they have? A. Well, those were not all there at a time; there were two, with the exception of a short time when Dr. Foster was there, and he was the only assistant physician.

Q. Were those men or women physicians? A. They were all men with the exception of the last one.

Q. Who was that? A. Dr. Pease. She is now Mrs. Dr. Abbott.

Q. Do you know whether these physicians were students, or were they graduated doctors? A. I think they were graduated doctors; I know Dr. Foster was.

Q. You know Dr. Foster was. Were the rest of them? A. I don't know about the others.

Q. You don't know? A. No, sir.

Q. What school did Miss Pease graduate at? A. I cannot tell you; I do not know.

Q. Do you know any school that she did graduate at? A. No, sir; I never knew. I never heard any one say.

Q. How did she furnish the medicine — prescribe? A. Yes, sir; always.

Q. What? A. Yes, sir; always. When she was in charge she always did.

Q. Now what effect did those prescriptions have upon those women?

The Witness. Would I be allowed to read a few notes I have made in regard to it?

Gov. Butler. Certainly. Made at the time?

The WITNESS. No, sir, since; I have looked up the names of her patients, the dates of their death, and how long they were sick.

Q. When did you look that up? A. I looked it up on Sunday. I was notified to come here on Saturday.

Gov. BUTLER. Yes; you can refer to your notes.

The WITNESS. I can do that better than I can narrate it from memory. My memory is not good.

Q. (By Mr. BROWN.) Is that your handwriting, madam? A. Yes, sir.

Q. Written last Sunday, was it? A. It was not all written on Sunday.

Q. Written within a few days? A. This last I wrote last evening.

Q. Within a few days? A. Yes, sir.

Q. What did you have last Sunday, or what have you had within a week that would refresh your recollection? A. Nothing, only a book I had always kept with the names of my patients — that I kept at the institution. I had to make a report of every patient, their name, age and birthplace, and the date of their illness and discharge or death.

Q. And this was made up from that? A. No, sir. I had to make this and take it in to Mr. Charles Marsh.

Q. But this document that you have here and that you want to read — A. It is notes that I had in books where I set down their births.

Q. And it was made up by you within a week from that book, is that it? A. It was; yes, sir.

Q. Where is the book? A. I have not the book with me, but here is what I have copied from it.

Gov. BUTLER. She wants to use them to refresh her memory.

The WITNESS. That is my only object.

Q. (By Mr. BROWN.) There is nothing else there except what pertains to this subject, so that you would not have any objection to leaving that with the committee after reading it? A. No, sir. There is nothing on it that I will object to.

Mr. BROWN. I have never seen it.

The WITNESS. Why, it is just what happened, sir. I tell nothing but the truth.

Gov. BUTLER. That will help you so that you can go right along without my asking questions.

The WITNESS. If it is allowed I will do so, and you may question me as you choose.

Gov. Butler. When I want anything elucidated, I will do so.

The Witness. [Reading.] "Dr. Pease commenced to take charge of the lying-in patients the first week in January, 1880. Her first patient was Mary Curry: age, 18 years; infant still-born, Jan. 3, 1880; she died January 14. Dr. Pease's next patient was Harriet Prescott, aged 21 years; delivered January 8; was taken to the hospital January 9, and died in a few weeks. Joanna Rennahan, age 26; infant still-born March 12; died March 17. Mary Smith, age 25; delivered April 26; sent to hospital May 4, and died in a short time,— a little more than a week, I think. Those four patients were, as far as I could judge, healthy young women. We had often patients that were in a bad condition, but these I considered sound and well, and two of them told me they had never known sickness before." Shall I go on? "These were all Dr. Pease's patients. Her way of treating lying in patients was exceedingly strange. On her first visit after the patient had been changed and made comfortable, she would ask the patient how she felt. If she said 'comfortable,' then Dr. Pease would press her hand on her chest, stomach and bowels, and ask if she did not feel some pain here or there. Finally the patient would say she had some pain. Then Dr. Pease began giving her medicine that she would compound sometimes at the closet" — we had a closet in the lying-in room — "sometimes at the closet, more often at the dispensary. The patient would very soon lose her appetite again and grow quite sick and would beg of me not to compel them to take the medicine, saying that they knew and I knew that it was killing them. I was ordered by Dr. Pease to compel these patients to take the medicine. She ordered medicine to be given to Joanna Rennahan every fifteen minutes for twenty-four hours. It is my honest belief that Mary Curry, Joanna Rennahan and Mary Smith's deaths were caused by the medicine they took. I told Dr. Lathrop about it, and he said he did not approve of so much medicine. But Dr. Pease still ordered it and no stop was put to it until she had lost three patients. She then had another woman very sick. I spoke again to Dr. Lathrop and told him we should lose this patient unless something was done immediately. It was then agreed that Dr. Pease should remain away from the lying-in room for two weeks, as the patients were in a great state of excitement, and Dr. Lathrop took charge of the patients. His first order was to stop all medicine for this woman. For

three days we only gave her a little brandy and water, it being all her stomach would retain. She finally recovered." That is all I have written.

Q. (By Gov. Butler.) You were to give this medicine to this sick woman once in fifteen minutes for twenty-four hours? A. Yes, sir; this Joanna Rennahan.

Q. What time did you get to sleep? A. Oh, she could not sleep. And I questioned the doctor particularly about that, if I should waken her and give her the medicine, and she said I must; that she must have the medicine. I was not up with her twenty-four hours, but I was with her up to about ten o'clock in the evening, and then my assistant gave the medicine. I dosed it out.

Q. What was this medicine? A. I do not know. She compounded it at the closet. This medicine,—I think she compounded the whole of it at the closet.

Q. She didn't tell you what it was? A. No, sir: she never told me what her medicines were.

Q. Well, after Dr. Pease left, did they go on in the same way? Did they keep on the same way,—dying? A. She was away for two weeks, as I have said, and this patient recovered. No, sir: we had none die during the two weeks.

Q. And this patient recovered? A. Yes, sir.

Q. Did Dr. Pease take charge again? A. She did: she came on after the two weeks had expired.

Q. Still go to work giving medicine? A. She did, sir: the same.

Q. What was the effect of that? A. As I have said, her patients died. She had lost three,—and it was a great number to lose in that time, — she had lost three, and after that this other one died. I think it must have been as late as April when she left the lying-in hospital.

Q. How do you account for her giving medicine in that way? What was she doing? A. I think,— I don't know. I thought well of the woman, and thought she intended to do right and thought she was doing right, but did not understand the patients. And I talked with Dr. Evart about it. (He was then Dr. Kennedy; had his name changed since then.) He was there waiting for one of the patients while she was absent, and we talked it over. I told him the way Dr. Pease was treating the patients, and I told him I was feeling very badly about it: and he said he didn't approve of giving medicine to lying-in patients,

because he didn't consider a lying-in patient a sick person,— a sick woman. But he said he admired Dr. Pease very much herself, but did not approve of her way of treating the patients. I said that I could not take the responsibility of the patients upon me, and I should follow Dr. Pease's orders to the letter.

Q. He said he admired the lady very much, but didn't admire her treatment? Now, I want to ask you upon another subject. Was it part of her treatment to put damp clothes on women? A. Sometimes the clothes were damp, and we were obliged to put them on because we had no others.

Q. By damp clothes you mean clothes that hadn't been sufficiently aired and dried? A. They were damp, sir.

Gov. Butler. That is not understood to be good.

Q. Now, let us go to another matter, madam. In what sort of cans or packages were teas and sugars distributed to the various parts of the institution? A. The sugar was distributed in buckets or tin cans. I can't say in regard to the tea, because I didn't get it. I got sugar often.

Q. Who did the distribution? A. French Joe.

Q. Did you ever see Thomas Marsh, Jr., in the store-room putting up sugar or tea, or anything of that sort, groceries, in small wooden boxes. A. On one occasion.

Q. Describe all about that, how you came there, and when it was. A. I think it was in 1877. I was there in the store-room, as I often was, and Thomas was having sugar put in a box, quite a good-size box. French Joe was doing it, but Thomas was superintending it. I think they were taking out tea at the same time, but I am not positive about that. I am positive about the sugar.

Q. At what time of day or evening was this? A. It was in the daytime. I never went in there in the evening.

Q. Won't you describe whether there was more than one box? A. No, sir; there was only one box that the sugar was being put into.

Q. And that was a square box? A. Yes, sir; a square, white wooden box.

Q. That is, you mean unpainted? A. Unpainted? Yes, sir.

Q. Was the hospital supplied fully with clothes? A. I could get clothes enough while I had the lying-in room. Yes, I could get clothes enough; Mrs. Marsh did not refuse me clothes. But the other matrons, many of them,— I have the

names of many, — told me that they could not get sufficient clothes. I could not get sufficient clothes to lay out my dead. Mrs. Marsh said it was no matter what they had, and I could take a bit of torn sheet, or anything. One colored woman I laid out with a piece of torn sheet wrapped round her, with nothing else.

Q. You could not get clothes to lay out the dead? A. No, sir. Mrs. Marsh told me to go to the baggage-room and if there were any old things there I could have them, and sometimes the matron would find something. She would nearly always find something, but sometimes it was very poor. She told me often to ask my patients if they had anything that would do to lay them out in before they, — any time before they were dead, — that I could have; anything that they had before they died, if I knew of anything.

Q. This suggests something I want to trace a little. A patient came there bringing a trunk or trunks, as the case might be, — I suppose they would come with trunks sometimes? A. Yes, sir.

Q. And sometimes they would come with good clothes? A. Yes, sir; often.

Q. Now, what was done with those trunks? A. They were always taken to the baggage-room, as I understood, but Mrs. Marsh had a store-room in the upper part of the building, what is called the chapel, in room number nine, and I have seen a great many trunks and clothes stored there.

Q. You supposed that they were taken to the baggage-room? A. To the baggage-room.

Q. And that was in the under story? A. Yes, sir.

Q. The basement? A. Yes, sir.

Q. They were kept there to wait, as you supposed, the persons' going away? A. Yes, sir; that was the intent. When they come in they have to have all their own clothes taken off and the house clothes put on them. They are never allowed to wear much of anything belonging to themselves; perhaps retain a shawl.

Q. They have their own clothes taken off and put in their trunks? A. Yes, sir; or their bundles.

Q. Or whatever receptacles they had, and those were stored in the baggage-room? A. Yes, sir.

Q. With the expectation that when they went out they would reclothe themselves in their own clothes? A. Yes, sir; and I

often heard women complaining of having lost good dresses and shawls and underclothing.

Q. Was there a key to that baggage-room? A. Yes, sir; but we had to go into this baggage-room every week. When I would bathe my women we went down with the women, but the trunks were fastened. We had no access to their trunks or their bundles without permission from Mrs. Marsh.

Q. Well, now, you say that Mrs. Marsh had a store-room up in the upper part? A. The upper part of the main building, in room number nine.

Q. How large a room was that? A. I don't know how large it was, sir.

Q. Was it a mere closet? A. It was one of the sleeping-rooms. It was since used for a sleeping-room, after she cleared it out. It was large enough to hold a bed, a trunk, a large trunk, and a little recess for hanging clothes, and a toilet table and two chairs.

Q. Was there any bed in it when it was used as a store room? A. Oh, no, sir; it was used as a store-room.

Q. What trunks did you see in that room? A. I saw trunks that I supposed belonged to the inmates.

Q. Why did you think that? A. Because they were old, battered trunks, and I saw many bundles and things thrown in as if they were thrown in hastily.

Q. Bundles of what? A. Bundles of clothing, and old bonnets and hats, and work-baskets, with spectacles and needle-boxes, and everything that would be likely to come in an inmate's trunk, I have seen.

Q. Were there many specimens of that sort of — I will use a Southern word — plunder in the store-room? Was there one pair of spectacles, only? A. There were many, sir.

Q. And many work-baskets? A. Yes, sir; and little boxes containing what a woman would be likely to use, — needles and thread.

Q. And all the little — A. Fixings.

Q. Any dresses there? A. Yes, sir; I never opened a bundle. I only saw them. And Mrs. Marsh often brought dresses,— her stock of dresses was inexhaustible, — she brought them into my room, number six, for I had two women that ripped up clothes very nicely, and she kept them, some time, pretty busy ripping up clothes, and at times she had told me that that was a dress she had had for forty years, till a matron there, Mrs.

Gorham, made the remark that wasn't it wonderful how many dresses Mrs. Marsh had forty years ago.

Q. She had a great many dresses to rip up, — silk ones, I suppose? A. Sometimes they were silk and sometimes they were nice all-wool dresses.

Q. And were they ripped up and made over again, or simply ripped up? A. I often saw her pressing them out in the laundry, and once I was over in Captain Marsh's front room and he asked where Mrs. Marsh was. I says, "She is in the laundry pressing over." Well, said he, "mother is always pressing over. I never knew the time when she was not ripping up, or pressing over, or making over clothes."

Q. Were there any of these clothes made over for the family? A. Why, I have seen dresses that I thought were, but I could not say that they were.

Q. They looked like made-over dresses; on who? A. They were made-over dresses but I could not say they belonged to the inmates.

Q. Of course not? A. No.

Q. On whose backs were these dresses? A. I have seen Miss Etta, Miss Gertie Davis and Miss Belle Atwood, and Miss Nellie Marsh.

Gov. Butler. Now I have got somebody who knows the Marsh family, and I want to see who was there.

Q. There was, in the first place, Thomas Marsh, the superintendent? A. Yes, sir.

Q. And then there was his wife, the matron? A. Yes, sir.

Q. Then there was Thomas, Jr., we have heard of, the clerk? A. No.

Q. The assistant superintendent? A. Yes, sir.

Q. Then there was Charles Marsh, the clerk? A. Yes, sir.

Q. Then there was Helen M. Marsh, the doctor? A. At one time; and then there was a sister of Mrs. Marsh that married a brother of Captain Marsh, — she was employed there for several years.

Q. What was her name? A. Martha Marsh.

Q. She was Mrs. Marsh's sister who had married a brother of —? A. Captain Marsh; and then Harry Marsh, — Thomas J. Marsh, Jr.'s, son, Harry Marsh, lived there.

Q. Harry was there. How old was he? A. I don't know; he was a little fellow when I went there.

Q. Ten years! He grew up? A. Yes, sir.

Q. Was there any other of the children there? A. Oh, the grandchildren were there frequently, and made long visits; and Miss Etta Davis, she was there at one time for two years or over; and Miss Gertie Davis was an invalid and was there many months, — I should think nearly a year, — at one time; and then Mrs. Atwood had two sons, Luther and Charles, and they often came there and made visits. Charles did not visit as long as Luther, but they usually spent their vacations there.

Q. What relation were the Davises? A. Mrs. Davis is a daughter of Captain Marsh, and Mrs. Atwood is a daughter of Captain Marsh.

Q. Where did Mrs. Davis live, when they didn't live there? A. They lived at Exeter. The captain owns a house in Exeter, and the two families lived together there in Exeter.

Q. The Atwoods and the Davises? A. The Atwoods and the Davises.

Gov. Butler. I could not understand it before, how one witness said they went to the Atwoods and the other said they went to the Davises. I thought it was a mistake in names.

Q. There was a boy there by the name of Davis, frequently? A. No, sir; Mrs. Davis had two daughters, and Mrs. Atwood had two sons and a daughter, — Miss Belle.

Gov. Butler. Oh, yes; that is the way of it.

Q. And they all lived in Exeter? A. Yes, sir.

Q. When they were at home? A. Yes, sir.

Q. Well, now, did you ever observe, — I don't know whether you did or not, — did you ever observe whether there was anything went between Exeter, — any boxes, trunks, bundles or washing, or anything of that kind, — went between Exeter and Tewksbury? A. Often when I saw the Marshes going away to pay a visit at Exeter, — perhaps when their visit would not extend over one or two days, — there would be a large trunk go with them. I would see the trunk and I would miss the trunk. They usually stored their empty trunks in the upper part of the main building. There is a large open hall and they usually stored their trunks there, and I would miss a large trunk away.

Q. And when you missed that trunk would it have gone away with these people? A. I didn't take it from that that it must

necessarily have gone with them, but I have seen the same trunk going to the gate when they would be going to Exeter.

Q. The fact that you missed it would not necessarily show, only you saw the same trunk going to the gate. Those good-sized trunks? A. Yes, sir; one was; it was a large travelling trunk, — one that was bought for Dr. Marsh to go to Europe with.

Q. Dr. Helen Marsh? A. Yes, sir.

Q. Did that use to go back and forward? A. I saw it go some two or three times; I saw it go away; I didn't see it come back, but I would see it back.

Q. You saw that it had got back? A. I saw that it was put back in its place.

Gov. Butler. You saw it back in its place and then it would leave and go again.

Q. Do you know whether any things were washed there for outside people? A. From the time of my first going to the institution I always heard the different matrons that had charge of the laundry complaining of the great amount of washing that was brought from Exeter, and from other places, belonging to the Marsh family. I have the names of these different matrons. One was Miss Roberts, — she is now in Lowell; another was a Mrs. Evans; another, Mrs. Fizzler (?); and the present matron, — at least I suppose she is still there, — Mrs. Locke. They often complained of the great amount of washing they had to do, and sometimes our clothes were very tardy in coming to us and I have been down to inquire why it was and have been told that the Marshes' clothes must be done first.

Q. And that was one of the causes of the damp sheets on the lying-in women, I suppose? A. I don't know.

Q. Well, you heard these complaints; how did the clothes come, — in this trunk, or trunks? A. I was told by the different matrons that they came in trunks. I have seen great piles of clothes there, and I have been in Mrs. Marsh's when I have seen members of the family folding up these clothes as though getting them ready to be taken away; and I have seen dresses that I had seen Miss Gertie and Miss Hattie and Miss Belle wear in the laundry, laundered. And Mrs. Evans, that was there, — she was an inmate, but they paid her, — she told me that she would not consider our washing anything compared with what they brought from Exeter. The whole family was at Exeter at that time, before the boys went to Harvard.

Q. You don't mean to say that the boys sent washing home from Harvard to the poor-house, do you? A. I understood that they did. Do they not furnish their own rooms and have their bedding to be washed?

Q. Yes, that is the practice, always, and when I was in college we paid for it. But did the boys have their washing sent from Harvard for their rooms, etc? A. I was told they did, and I saw many fine shirts that I supposed belonged to them.

Q. Yes, very fine shirts. I suppose the inmate and officers of the institution didn't indulge in a great many fine shirts for themselves, did they? A. They didn't have a great many. The farm hands, I don't think, averaged more than one shirt a week, fine.

Q. One or two of any kind, and they were not fine shirts? A. Oh, yes, sir; they had one for Sunday wear and for other occasions.

Q. Now, madam, I want to ask you upon another subject. When you were there did you see or know anything about that wood in the coffin that was prayed over, that a mass was said over? A. I had rather not speak about that unless I was obliged to.

Q. Pardon me, I know the difficulty is that nobody likes to talk about these things, and I have difficulty in getting the facts. But however painful it may be, madam, it is our duty to get at the facts, if we can, so it may never happen again that the holy offices of the church shall be so desecrated. And, however it may be, you will please state just what you know about it. A. Of course I did not see it.

Q. You didn't see into the coffin? A. No, sir; the coffins were never opened, as I ever knew, for any one to gaze upon the remains.

Q. How? A. The coffins that were taken into the chapel to have prayers, either Catholic or Protestant, were never opened that I ever saw. The remains were never exposed to view.

Q. The remains were never exposed? A. No, sir.

Q. There may have been nothing in any of them? A. I don't know.

Q. As far as you do know? A. Yes, sir; there might.

Q. Tell me what you knew, then and there, about it,—nothing that you have learned since, because that would be hearsay, and I want to know what was done on the premises. A. I do

not know it, but I was told that this coffin was carried to the chapel. It was a child and the parent being Catholic, — the mother of the child that had died, — the father was sent for to come and hold services over it; and they put a block of wood in the coffin and the services were held over that block of wood.

Q. Upon that block of wood? A. Yes, sir.

Q. What had become of the child that ought to have been in the coffin? A. I don't know.

Q. Well, what was said at the time? A. They said, — I was told that the remains were offensive; had been kept rather long and were offensive.

Q. Were you there at the time some lady's face was eaten by the rats in the dead-house? A. That was a patient of mine, sir. I took her to the hospital. Her name was Kate Furrey. I have it on the paper. [Referring to memorandum.] Kate Furrey, insane, aged about twenty-one. Thomas, the infant, was born April 15, 1879.

Q. And she died? A. Yes, sir; she died.

Q. And was put in the dead-house? A. When I had a patient to be sent to the hospital I ordered the stretcher out and we muffled the patient up as nicely as we could, as comfortable as we could, and then two men carried the stretcher and I went with the patient to see that all was right. This patient, being insane, — she was not violent, but she was insane, — we put her into a little room in the hospital off of the bath-room. It is used, and was, for an examining room, a private room, and they put this patient in there; and the next, — I don't know whether it was the next morning or a few mornings after that, — the patient was found dead, badly gnawed by the rats. The night-watch had either been neglectful or fallen asleep.

Q. Something had happened. Something had happened that she didn't know? A. I was told that she didn't know when the patient died.

Q. When you speak of the patient you mean the patient was dead? A. Oh, yes, sir; she was dead.

Q. That is to say, when you carried her there? A. When I carried her there?

Q. Yes. A. Why, no, sir; she was alive. Of course she was alive.

Q. That is what I wanted to know. You used the word patient, speaking both of the dead and the living, and I wanted to get at it exactly. You attended to the carrying of a patient to

the insane hospital, and she was taken into a reception-room off of the hospital and left on a stretcher, was she? A. No, sir; I waited and saw her put on to a bed. I always did.

Q. On to a bed in that room? A. Yes, sir; on to a little iron bedstead.

Q. You saw her laid there and then you went away. What time was it, day or night, you left that woman alive there? A. I don't remember distinctly, but it was in the afternoon, sir.

Q. Sometime in the afternoon you left her alive there? A. Yes, sir.

Q. Now, did you ever see her again in life? A. No, sir.

Q. When did you see her next? A. I never saw her after that.

Q. Didn't you see the body? A. No, sir; the body was not, — no one was allowed —

Q. What? A. I think no one was allowed to look at the body.

Q But you say she was found there, either the next morning or sometime afterwards, dead, with her face all eaten by the rats; mangled by the rats? A. She was mangled by the rats, as I was told.

Q. How long after was she found there? A. I think it was the next night, but I am not positive.

Q. That is, she was placed there in the afternoon? A. Yes, sir.

Q. And the next night, — not the same night, — but the next day intervening and the next night? A. I think so, but I cannot be positive.

Q. It was not that night? A. I think not.

Q. And then she was found, and the excuse of the nurse was, or whoever had charge, that she didn't know she was there? A. Oh, she knew she was there; of course she knew she was there. I had to see the nurse and give them the name of the patients that I put there. She knew she was there; but at night, as I was told, the nurse had neglected her duty, and the patient was found, the remains were found, dead there in the morning.

Q. You took her there and you gave her name, and during that night, by somebody's neglect, the woman was found mangled by the rats and was found dead? A. Yes, sir. I would like to say a word in regard to the butter that was made.

Q. You know about that because you had something to do

with that. A. We averaged making three hundred and twenty-five pounds a month, and the inmates, during the five years, were allowed a pound a day. That was for the sick. It went to the hospital cook kitchen. Mrs. Gorham always came to me. I had the butter always locked up and I dealt out all the butter that went out.

Q. Let me understand that a little more plainly, madam. You made how much a day? A. I could not say just a day, but in a month we averaged three hundred and twenty-five pounds of butter.

Q. A month? A. Yes, sir; and the inmates were allowed seven pounds a week, with the exception of Thanksgiving, and then Mr. Barrett was allowed about two pounds to put in a sauce, or something of that kind: they would have rice, I think, or pudding.

Q. Do you mean by an average of three hundred and twenty-five pounds a month that that extended through the year? A. For this time, — the first five years from 1870 to 1875. We hadn't more than, I think, about half the number of officers that are now there, because the institution has been greatly enlarged since then, requires more help; and all this butter was sent, with the exception of the seven pounds a week, all this butter was sent to the captain's kitchen, and sometimes they came for as much as twenty pounds in a day. The captain's table girl usually came for the butter, and sometimes I would ask her, "Is that butter all gone that you got last?" And she would reply, "It is gone, but I don't know how," and would ask for more. And during the last three years the captain had to buy several large firkins of butter to make out enough for the family.

Q. For the family? A. I call the family the hired help and the captain's family.

Q. That is, now, if I understand it, — you correct me if I am wrong, — you used to make three hundred and twenty-five pounds a month? A. Yes, sir.

Q. Of which seven pounds a week was all that was allowed to go to the inmates? A. With the exception of two pounds once a year.

Q. Except two pounds Thanksgiving Day? A. Yes, sir.

Q. And all the rest of that butter went to the captain's kitchen? A. Yes, sir.

Q. Well, how many fed out of the captain's kitchen? A. How many was fed out of the captain's kitchen?

Q. Yes; all the Marshes? A. Oh, yes, sir; all the Marshes, and the hired help. How many was fed out of the captain's kitchen?

Q. Yes. A. I don't know how many was fed.

Q. How many ought to have been fed? I know nobody knows how many were fed, but how many ought to have been fed? A. There was the captain's family you named over.

Q. The Marshes themselves? A. There was all these, and the officers. I think then we had about, — I think they had eighteen.

Q. About eighteen? A. I don't know as we had so many; we only had one dining-room, aside from the captain's dining-room, at that time; one table.

Q. You say the captain's girl would come for as much as twenty pounds a day? A. Not always, sir.

Q. Not always? A. No, sir; but she many days had come for that.

Q. I mean in successive days? A. Yes, sir.

Q. Now you say that continued all the time you had charge of the dairy? A. All the time that I had charge of the dairy.

Q. Then all the inmates got would be seven pounds a week, and the rest went to the officers? A. Yes, sir.

Q. You never told me that before, did you? A. No, sir; I never told anybody so you would hear it.

Gov. Butler. You read the inaugural and see if there isn't something said about it.

Q. Now, about the milk, madam; you had charge of the milk? A. Yes, sir.

Q. How many cows did you keep there? A. I think they averaged about thirty.

Q. From which you made this butter? A. Yes, sir; and why I did not make more butter from that number of cows was we would skim the milk before it soured, so as to give this to the inmates, and we made the butter from this and gave them the milk after it was skimmed. Every afternoon I had to skim the milk so as to have it in the cans ready for them at four o'clock, and in the morning I had to have it ready for them at five o'clock. This continued for five years, and then the inspectors said that they thought the inmates ought to get the milk as it came from the cows, and so they gave up making butter.

Q. So they gave up making butter? A. Yes, sir.

Q. Did they buy any milk besides? A. I don't think they did at this time. No; they did not at this time, not to my knowledge, but after they have bought it.

Q. During the five years they skimmed all the milk and ate all the butter, substantially, and gave the inmates skimmed milk? A. Yes.

Q. You used to have a large number of infants there when you first went there; there were a large number of infants there? A. I think when I first went to the institution there were nine in the room adjoining my sleeping-room, and I went there the 6th of July.

Q. Weren't there a good many more than that in the whole institution? A. Oh, yes, sir; these were foundlings. I thought you referred to them.

Q. No, no; I am talking about all the babies that were there. A. I can't tell you anything about the babies, because when I had the dairy I didn't know much of anything that was going on in these other rooms.

Q. You stuck to the dairy. What I want to know is was any milk allowed to go out of your room, out of your dairy, till it was skimmed? A. With the exception of one cow's milk that was said to be given to foundlings.

Q. That was given to the foundlings, — one cow's milk. A. Yes, sir.

Q. Was that skimmed? A. No, sir.

Q. You had about thirty cows, you say? A. I think that was the number.

Q. The cream of twenty-nine cows went to the officers and the cream of one cow went to the infants? A. Yes, sir: with the exception of the butter.

Q. And at last the inspectors, some five years ago, said they thought the milk should go unskimmed to the people, that they should not have skimmed milk, and thereupon butter-making stopped for anybody. A. Yes, sir.

Q. Now, madam, I want to ask if you had any reason to believe that any portion of that butter went to Exeter? A. Why, I supposed it did; because often, when they would send for extra butter, there seemed to be some of them going there: but I never saw it go. That is the way I accounted for its being gone. I thought it impossible they could use so much from what I would see about the cooking and the butter that would

be used at the table. I think it impossible that it could have been used.

Q. And you would find that when they sent for this extra quantity of butter, about the same time somebody would be going to Exeter? A. Yes, sir.

Q. Now, won't you read in relation to anything else that you have there [referring to a paper the witness had] that you made a memorandum of? A. You have questioned me about many things that I had thought of here. Mrs. Marsh [reading from the paper] had two or three girls making rugs from clothes that were nearly all taken from the baggage-room. It was generally understood these rugs were sent to their house in Exeter. I frequently went through the Marshes' private rooms and never saw any of those rugs about the institution. Frequently saw men and women with insufficient clothing. Heard Mrs. Bradford and Mrs. Dudley, Miss Lizzie and Mary McKenna say Mrs. Marsh would not let them have clothes enough. Mrs. Marsh, at different times, told me to take away the women's flannels, when I could not without endangering their health.

Q. You mean their under flannel garments? A. Yes.

Q. Told you to take them away? A. That would be in the spring, earlier than I knew it was safe to take them off. Often saw women shivering with cold when making beds in cold rooms. Have asked for extra clothing, and Mrs. Marsh would say if there was any old shawls in the baggage-room I could have them, that they should not have new. No old shawls were found, as they had gone into these rugs.

Q. Right there I want to ask you, — there must have been a very large accumulation of baggage taken there to that room all this while, during the ten years? A. Oh, yes, sir; it appeared to be nearly full. I don't know whether the trunks were full or not, but there were many old trunks.

Q. Many trunks? A. Yes, sir.

Q. They kept coming in; each person, pretty much, bringing their trunk or bundle, or something? A. Yes, sir.

Q. Was there ever any auction sale of them there, do you know? A. Never heard of anything of the kind.

Q. Did you ever see, all the time you were there, any carting off of these things? A. No, sir; I did not. I heard Mr. Dudley's statement, yesterday, and I remember well these boxes that he speaks of, standing in the corridor off from Mrs. Marsh's room.

Q. I will come to that by and by. I am very gladto look up these boxes again; but I want to know now, — these were accumulating in this room from day to day and the people were dying, — was there any account made, to your knowledge; did you ever see any inventory taken of any of these effects? A. No, sir; I never did; I don't think there was.

Q. They must have become almost a nuisance on the grounds unless removed in some way. — an immense quantity of rags, at least. Was there no cleaning out of this or carting of it out? A. Mrs. Marsh, once in a while, would have her clearing-out day, and they were overhauled; and I have seen Mrs. Marsh going across to her house with a bundle from the baggage-room.

Q. What I want to get at is, during the ten years, here are, we were told, seventy thousand persons passing through the institution, each one with a rag, certainly, that had to be taken off of them, and that would make seventy thousand rags of greater or less size. Was there any general clearing out or sale of any property of that sort that you know of? A. Never.

Q. Now, then, I will ask you about these boxes. You heard Mr. Dudley's statement about them; tell me what you know? A. I don't know anything about the boxes, only that I saw them standing there as he stated, and I noticed them being removed, as he stated.

Q. That is, they would be there awhile and then they would be gone? A. Yes, sir.

Q. And then they would be there again; and then they would be gone? A. Yes, sir; I noticed that, because I had to pass them frequently, every day, when I had charge of the men's rooms.

Q. Did you know that these boxes were all open to you to put in all sorts of things; trash; catch-all boxes? A. Oh, they were not open, sir; they were closed; we could not open them.

Q. How were they closed, — screwed down or locked? A. I think that they were either nailed down or screwed.

Q. Screwed? A. I think they were; I never examined them in particular.

Q. For how long a time did you see these boxes going and coming; it extended over what space of time — months or years? A. I can't say; there seemed always to be boxes or trunks standing there. It was right out from Mrs. Marsh's bed-room. I frequently saw her going to them, but I never stopped. I saw

her go to the trunks; I never saw her open any of the boxes, that I know of.

Q. Do you know anything about a bank book the patients had there? A. When the inmates come in the money is given to Charles Marsh and he has charge of it; and when, sometimes, my patients would tell me that they had money in the office and they would ask me to go and get a small sum, perhaps twenty-five cents or thereabouts, to get them some little necessary, I would do so and he always gave it to me.

Q. Yes, I understand that. A. I know nothing more about that.

Q. I know about one case where a woman had $500 in the savings bank; do you know about that? A. I don't know.

Gov. Butler. I have got that case mixed up with another. So far as I am now aware, may it please the committee, I am through with the witness.

The Witness. I have noted down what we did when company was coming unexpectedly.

Gov. Butler. Yes; all about the signals. Tell me about that.

The Witness. No, sir; nothing about the signals.

Gov. Butler. Very well; tell me about it, then, — what you have.

The Witness. [Referring to memoranda.] When company was coming on short notice Mr. Marsh passed through the rooms telling the assistant matrons. We would open nearly every window and air the rooms, hurrying the old women to put on the best dresses we could find; often putting on their Sunday clothes; calling up the nursery girls to dress their babies with their little Sunday frocks; stripping beds that were not over-clean; changing in lying-in patients and making other changes. In an hour's time a wonderful change would be made. When Mr. Sanborn or a reporter, — Mr. Frank Sanborn, — or a reporter were expected we received a special charge to look sharp to things.

Q. From who? A. When Mr. Sanborn or a reporter was coming, we were told to look sharp to things, — meaning to have things in good order. On receiving company the Captain and Thomas greeted them in the most amicable manner, the Captain usually taking the lead going through the rooms. When it was company that would notice the beds the Captain stopped opposite beds that were supposed to be in good order for this

purpose. Then Thomas would call attention to some inmate that they gave extra food to or allowed them some favor, knowing they would begin to tell how well they were treated. One inmate in particular has had her dinners from the Captain's kitchen for years just for this purpose.

Q. (By Mr. Mellen.) What inmate is that; the woman that can't stir? A. Honorah O'Connor, — I am sorry to tell her name, — the one Mr. Charles Marsh put shells up around and put flowers in, so when people came in she would tell, as I do not blame her for doing, how kind Charles Marsh was, and how good the Captain and Mrs. Marsh was.

Q. She used to sit in the corner of one of the large rooms. A. Yes, sir; she sat in the corner, for nearly twenty years, I think; her lower limbs are paralyzed. She is quite intelligent.

Q. (By Gov. Butler.) Anything else you have any memorandum of? A. Oh, yes, sir; it seemed to be disputed about Mr. Dudley, yesterday, that he had not seen the regulations for so long a time. I was there over three years, over six years, before I had the regulations. I was sick three days without Mrs. Marsh knowing I was off duty. That was in April, 1879. That is all, sir. I think that is all that amounts to anything.

Q. I find annexed to my memorandum a letter from you; what is that? Here is a letter and an envelope directed to Mrs. George C. Damon, secretary of the Boston Ladies' Aid Society, Boston. A. Hammond.

Q. You know about it? A. Yes, sir. When I left I had had, as I have said, a little difficulty with this assistant physician, Dr. Pease, and I went to the office for my morning mail and I there found my discharge: and I wanted, — this was on Tuesday, I think it was, on the twenty-fifth day of May, and the trustees were to meet on Thursday, — and I wanted that they should know why I was discharged, because I didn't want to trust it to Captain Marsh to tell it his way. I wrote this letter to the trustees and sent it by one of my women to the office, but Captain Marsh took it from her hand and, I think, he handed it to the trustees. But Mrs. Hammond didn't meet with them that time. I had a very strong regard for her, and I wanted she should know why I left, and I wrote this letter and sent it to Boston to Mrs. Hammond, but the address was not right and it went to the dead-letter office and was returned to me: and then I lost a friend at that time and I did nothing more about it.

Q. And that letter is a statement of the facts about your leaving? A. Yes, sir.

Q. When you left? A. Yes, sir.

Gov. Butler. Stated to one of the inspectors or trustees.

The Witness. Shall I read the letter?

Gov. Butler. No.

Mr. Brown. If you are not going to put it in I don't care to see it.

The Witness. It seems as if it ought to go in, after what I have said.

Gov. Butler. (To Mr. Brown.) Perhaps you will examine it and then you can put it in.

Mr. Brown. You are very kind.

Gov. Butler. I mean to be, sir.

The Witness. After what I have said about my leaving, I would like to read it to the gentlemen.

Gov. Butler. Do so, madam; you may do so.

[The witness then read the letter as follows: —]

Tewksbury, May 25, 1880.

To the Trustees of the State Almshouse:

Ladies and Gentlemen, — Something occurred to-day that has greatly disturbed my feelings, and, after thinking it over for several hours, I can only reconcile my mind by telling you about it. I was hired by Captain Marsh and came to this institution July, 1870; have remained here ever since, giving, as I believe, good satisfaction. As doubtless you know, I have had charge of the lying-in patients since July, 1877. During this time I have never received any intimation I was not faithful to my patients or that I ever showed disrespect to any physician in charge. On the fourth of this month, a colored woman by the name of Eliza Homer, was delivered. Since that time Dr. Pease has given orders for her treatment. I faithfully gave the medicine as ordered till yesterday. I then omitted all but the brandy, firmly believing, from the effects on previous patients, the other medicine was doing the woman serious harm. I had no intention of deceiving the doctor, only thought to omit it one day and see if the woman was not better. At evening she was very comfortable, and at night complained of no pain. Dr. Pease called at this time and, as I was not in, gave the evening dose, and later, sent over (from the hospital) some more, which the woman drank. Early this morning I found she was very sick and had had a bad night. I sent for Dr Pease, told her about the woman's illness through the night, and added, "Doctor, the medicine always seems to have that effect on her." She replied, "It did not yesterday;" when I frankly said, "No, because I did not give it." The doctor looked very angry and

told me she would like to know when I did not give the medicine. I said, "I did not see you last evening or I should have told you," at which she said she supposed I had given what I thought best. I replied I had given her no medicine since four o'clock yesterday, and then only the brandy. I then went about my usual work, and at half-past nine I went to the office for the mail; found in my box my immediate discharge. Gentlemen, I do not wish to remain, but my feelings are hurt, for to have it said I was discharged, is to me a grievous thing.

Yours with respect,

CHARLOTTE A. THOMAS.

The WITNESS. I think Capt. Marsh or any of the trustees will own that that is a true copy of the letter sent by me, and that that is a true statement.

Gov. BUTLER. (To Mr. BROWN.) It is a short time before we adjourn, and I suppose your cross-examination of this lady will be somewhat lengthy?

Mr. BROWN. I don't think it will; I think it will be very short.

Gov. BUTLER. I want to ask Miss Manning a question.

Mr. BROWN. I have no objection.

MISS MANNING (*recalled*).

Direct examination by Gov. Butler.

Q. You were summoned what day? A. Last Saturday.

Q. Since you were summoned, before you sat in that chair, has there any one from the trustees, or the Marsh family, or anybody representing them, been to you to ascertain what you know? A. Not been to me to ascertain anything I know, as I know of.

Q. Or any of them come to ascertain what you didn't know? A. No.

Q. Did they ask you anything about what you knew? A. I don't know that they did.

Q. Did they talk with you upon any subject relating to this matter? A. I have seen a number of the family, and have spoken with them since.

Q. Seen anybody else besides them? A. None that I know of; not in any ways connected with this.

Q. Did you see any of the trustees? A. No, sir.

Q. Did you see their counsel? A. I have not seen them to my knowledge; I have not.

Q. Did you see their counsel; this gentleman here? [Pointing to Mr. Brown.] A. I don't know that I have.

Q. Don't you know whether you have or not? A. No, sir; I don't know that I have.

Q. Don't you know whether you have or not? A. Counsel?

Q. That gentleman there? [Again pointing to Mr. Brown.] A. No, sir; not excepting here in the hall.

Q. Excepting here in the hall; talk with him? A. No, sir; I never had no conversation with him, excepting as I came in this morning I passed the time of day.

Q. Yes; passed the time of day with him? A. That is all.

Q. Never had seen him before? A. I saw him yesterday; I was here yesterday.

Q. You never spoke to him before? A. I never saw him before yesterday.

Q. Before yesterday? A. No, sir.

Q. Never? A. No, sir.

Q. But you spoke with him yesterday, didn't you? A. I believe I was introduced to him, but I won't be sure whether I was or not; but I had no conversation with him.

Q. Who introduced you? A. It was in the cars; I could not tell exactly.

Q. Somebody in what? A. In the cars.

Q. The railroad coach? A. Railroad coach.

Q. That wasn't here? A. No, that wasn't here.

Q. You met him in the railroad coach; where was that? A. Where was that?

Q. Yes; railroad coaches go about, you know. A. Yes, I know they do.

Q. Where was that? A. It was on my way from here to Boston, — from Tewksbury to Boston.

Q. From here to Boston? A. From Tewksbury to Boston.

Q. On your way? A. Yes.

Q. Did he get into the coach with you, or did you see him at Tewksbury? A. I saw him at Tewksbury and here; I saw him on the way; I didn't see him to have any conversation with him.

Q. I know, but you saw him on the way? A. Yes.

Q. And was introduced to him? A. I was introduced to him.

Q. In the railroad coach? A. Yes.

Q. Going from the train or to the train? A. Coming from Tewksbury down here, I said.

Q. Was it the railroad coach going from Tewksbury to the train or from the train to Tewksbury? A. It was from my house to the depot.

Q. In the coach going from your house to the depot? A. Yes.

Q. Very good. You got in at your house, did you? A. I did.

Q. Was he in there? A. He was in the coach.

Q. He was in the coach when you got in at your house? A. Yes, sir.

Q. And you came down, did you? You never said a word to him, nor he to you? A. No, sir.

Q. Make any remark? A. No, sir; I just bowed and that is all.

Q. Just bowed? A. That is, when I was introduced I bowed.

Q. Who introduced you? A. I think it was some of the company; I could not say to that, exactly.

Q. Were they in the coach, too? A. They were.

Q. Don't know who was there? A. If they hadn't been there they could not have introduced me.

Gov. Butler. Now, madam, I want to say to you that it was perfectly proper you should have told Mr. Brown anything he asked you.

The Witness. He didn't ask me a question.

Gov. Butler. I understand; but it was perfectly proper you should have answered, so that there was no occasion to have denied it.

The Witness. I can't deny what didn't happen.

Mr. Brown. And does not deny anything, sir. I have not had a word of conversation with her. I was introduced to her, but never saw her before or since till she came here.

The Witness. I never saw the gentleman till to-day and yesterday.

[The hearing was adjourned to the Green Room at nine o'clock Wednesday morning, April 4.]

FIFTH HEARING.

WEDNESDAY, April 4.

The committee met in the Green Room at 9.15 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Governor Butler, the committee have instructed me to suggest one or two things which, if parties may agree upon, will expedite the hearing. I suppose that the respondents, whoever they are, admit that dead bodies have been delivered to medical colleges — they claim, under the law — and that that will not be disputed. I have not consulted with the parties, but if that be so, why is not that issue eliminated, and no further proof of the delivery of bodies, unless the law has been violated, required.

GOV. BUTLER. Mr. Chairman, I will tell you why. So far as the testimony goes, it is in dispute.

The CHAIRMAN. The committee have investigated that, and there is no doubt about the delivery of bodies to the medical colleges.

GOV. BUTLER. On that I am not instructed. But the nearest and best witness of the fact was on the stand yesterday, Mr. Chairman, and denied under oath the facts. Now, I agree some dead bodies were delivered at Harvard and some at the other schools; and some were not. Some were not delivered anywhere. Some were skinned and the skin sent forward to be tanned. And I propose, with your leave, to present the testimony to the country as well as to the committee, until I am stopped, so far as I judge necessary to put it in. Besides, many of them could not be sent under the law. To assume simply that dead bodies were sent is not sufficient. I am going to show that after friends had had them buried they were deceived, and bodies were taken up and sent. Not only that; but after they were sent, in more instances than one, funeral services were held over supposed remains. And, as we are waiting for a moment now, I propose to notify the committee, — I

do not suppose I am to ask leave, — and the parties, the respondents, whoever they are, to use your own phrase, sir — that I propose between now and the termination of this investigation to go into the graveyard at Tewksbury and find what was buried there, and produce some of the remains. I won't desecrate any grave there, and no dead body either. So that your honors must perceive that the investigation is for the purpose of proving that what has been told the committee is absolutely false — that this has been done under the law.

Mr. Brown. Do you mean what has been told the committee at this hearing ?

Gov. Butler. Why, no sir. They say they have investigated. I don't know when. If they have investigated, it is an *ex parte* investigation.

The Chairman. The only desire of the committee was to shorten that part of the hearing.

Gov. Butler. Upon the question of some delivery to the institutions, I shall not have to take much more time. Why I have pressed it to such a considerable extent is that I supposed, from the course of the cross-examination, that there was going to be a dispute about Dr. Dixwell's testimony. I will suggest to you, however, how all that may be shortened. If the records — if they have any in that school — of the number of bodies they have had there can be produced, that might shorten the question of numbers. Then if they produce the man who kept the record we shall ascertain whether they have been disposed of according to law. I would suggest, also, upon this question of "under the law," that the record should be produced of the permits of the overseers of the poor of the town of Tewksbury: because I do not know how any of these dead bodies can be sent away without a permit or record. And now, while I am up, to save time, again I want to ask that all the books may be sent to my office. I do not find among the five or six, — I don't remember whether five, six or seven, — I do not find any book that I believe to be a book of record.

The Chairman. A book of record of what?

Gov. Butler. To be any record of the transactions there. I have got three or four carefully copied books.

The Chairman. You mean a record of the disposition of bodies?

Gov. Butler. Any books yet furnished me are carefully copied books, and not original books. And I want all the

books that were to be kept at the almshouse, on any subjects since 1870, sent to me. If there is a cartload I am competent to the examination of a cartload. Every possible record I want now. There is no record, so far as I can find, of the payments or accounts of those dead bodies; no records of the deaths, — and I asked for those early; and therefore I must ask the committee to instruct the clerk who has the books in charge to put into my hands — I suppose I would have a right to call for them in another capacity, but I now call for them simply as one conducting an examination — to put them in my office where I can examine them; and I wish the order to be pretty imperative, because this is the third time I have been obliged to call for them.

The Chairman. The committee are informed that there is no book of record of sales of bodies or money received, because the claim on the part of the respondents is that no bodies have ever been sold. If there are any such books or records they will be produced for the committee and your Excellency.

Gov. Butler. There is an old maxim, with which your Honor is undoubtedly familiar, that "the whole includes every part thereof;" now if I get the whole records of everything, I shall find exactly all there is; and if there is not any, why, that will be a matter for consideration. Because, unless I am thoroughly and entirely misled and mistaken — and I have not been so far — I shall prove that dead bodies were sold and money paid for them. The ten and twelve dollar price was one part of the pay, and I shall expect to prove that officials were paid beyond that.

The Chairman. We will endeavor to see that the books are supplied.

Gov. Butler. Yes, sir; I want the clerk to certify to the committee that he has put every possible record, memoranda, register, — everything that is kept there of the proceedings of this institution, — into my hands.

The Chairman. He will be under oath, and I suppose he can be examined as to whether the books are all there. There is a quorum of the committee present now, and you may proceed.

Gov. Butler. (To Mrs. Thomas.) You wanted to say something, Mrs. Thomas, to the committee?

Mrs. Thomas. And to yourself.

Gov. Butler. Very well; go on.

Mrs. Thomas. I wish to apologize for the mistake I made in my statement yesterday. I stated that I gave out one pound of butter per week to the inmates. I gave out one pound at a meal.

Mr. Brown. That is, each day; three meals a day?

Mrs. Thomas. Yes, sir.

Testimony of Mrs. Charlotte A. Thomas (*continued*).

Cross-examination by Mr. Brown.

Q. You are a married lady, are you? A. Yes, sir.

Q. Where is your husband? A. He is dead, sir; he died in 1861.

Q. Have you children? A. One daughter.

Q. Where is she? A. She is at Stoneham.

Q. You are certain about Capt. Marsh having two granddaughters visit him, are you? A. Yes, sir.

Q. Well, you did not think there was any harm in that, did you? A. I did not say that there was any harm in it. I merely said that they were visiting there.

Q. Visiting there considerable? A. Yes, sir.

Q. You wanted the committee to understand that they visited a little longer than the public interest of the Commonwealth required, didn't you? A. Yes, sir; because I thought so.

Q. Well, don't argue with me, but just answer my questions. How long did your daughter stay at the Tewksbury almshouse visiting? A. Sir, she never stayed there over two weeks at a time.

Q. But she did stay there two weeks at a time? A. At the request of Mrs. Marsh —

Q. Never mind that. I want the fact and not gossip. She stayed there two weeks at a time? A. Not on many occasions.

Q. How frequently? A. Perhaps once a year, but not oftener. That was during her summer vacation, while she was at school at Lowell.

Q. Didn't come down to see you except once a year? A. Oh, yes, sir; she averaged to come down about once a month; came on Saturday evening and returned in time for school Monday.

Q. You didn't offer to pay her board? A. No, sir; she came at the request of Mrs. Marsh.

Q. Wait a moment. Mrs. Marsh gave consent that you should have your daughter come there and visit you every Sunday, and come there and spend her vacation? A. Yes, sir.

Q. Now you don't feel that you have wronged the public in any way, do you, by having your daughter visit there? A. Well, Mrs. Marsh —

Q. Never mind that. Whether you felt it upon your conscience that you had wronged the public in any way by allowing your daughter to visit you? A. I did not; because I often —

Mr. BROWN. Never mind that.

GOV. BUTLER. You are asking her whether she feels it on her conscience —

Mr. BROWN. I don't want you to answer, please.

GOV. BUTLER. No, I am not going to answer. She has told you why.

Mr. BROWN. If you know all about her conscience, then you might answer.

GOV. BUTLER. My point is that you ask her an argumentative question: Did you feel it on your conscience? And she was answering why she thought her conscience did not feel upon that subject.

Mr. BROWN. Well that question admitted of an answer, yes or no. That was just what I wanted, and she understood just what I wanted.

GOV. BUTLER. I understood you wanted her to say yes and she said no.

The CHAIRMAN. The committee must insist that applause or disapprobation must be abstained from, because if it is allowed we shall never get through. Now be kind enough to abstain from expressing approbation or disapprobation.

Q. Now, when you were dismissed from the Tewksbury almshouse you took occasion to write a letter to some one? A. Yes, sir.

Q. Who was it? A. I wrote a letter to the committee, and, as Mrs. Hammond was absent, I wrote another to her and sent it. Not having her right address, it went to the dead-letter office and was returned.

Q. I simply want to know who? A. Mrs. Hammond.

Q. Where did Mrs. Hammond live? A. I do not know, only she was in Boston.

Q. And you addressed the letter to her in Boston? A. No, sir. I addressed it to some society in Boston, but I cannot remember it.

Q. Well, at Boston? A. Yes, sir.

Q. When did you write this letter? A. I wrote the original letter on the day that I received my dismissal.

Q. When was that? A. It was on the 25th of May, 1880.

Q. That you wrote the original. When did you write the copy? A. I think it was perhaps nearly — It was a few days —

Q. A few days after? A. Yes, sir.

Q. Now, did you send the original before you wrote the copy? A. Oh, I sent the original.

Q. Well, is this which is produced the original, or the copy? A. This is the one that I sent to Mrs. Hammond.

Q. The original? A. Well, I suppose it cannot be the original, because I sent that one down to the office and Capt. Marsh took it away from the girl.

Q. Never mind about that. You sent one to Capt. Marsh? A. Yes, sir.

Q. And then you sent a duplicate — you do not mean a copy — a duplicate to Mrs. Hammond? A. Yes, sir.

Q. When did you send that to Mrs. Hammond? A. I do not remember. It was a few days after, I think.

Q. Where were you when you sent it? A. I was at Andover when I sent it. I went home on Saturday —

Q. Never mind that. I simply asked you where you were. If you will simply answer my questions and leave all gossip aside we will get along more rapidly. And that accounts for the fact that this letter is mailed at Andover on the 31st day of May, does it? A. Yes, sir. I had forgotten when it was mailed, but it was mailed there.

Q. Well, this is the envelope in which it was mailed, is it? A. Yes, sir.

Q. Now you say you directed another letter to Capt. Marsh?

Gov. Butler. No, she has not said so.

Q. Well, isn't it so? A. I told the girl to take it and give it into the hands of Mr. Nourse, and she wanted to do so. But Captain would not let her. He told her it was all right and took it away, pulled it from her hand, and she came back almost crying and saying, "I could not give it to Mr. Nourse; Captain pulled it from my hand."

Q. You don't know whether Mr. Nourse ever got it or not? A. No, sir, I do not.

Q. Is that endorsement "Returned from dead-letter office" in your handwriting? A. I think not. I gave the letter in the envelope that was returned from the dead-letter office.

Q. Gave it to whom? A. I don't know the gentleman's name.

Q. When? A. Two weeks ago.

Q. What sort of a looking man was he? A. He was a stout man.

Q. Black moustache? A. Dark.

Q. Dark eyes? A. I think so.

Q. Why, Mr. Innis, was it not? A. I don't know the gentleman's name.

Q. Well, where did he come to see you? A. At my home at Andover.

Q. At Andover? A. Yes, sir.

Q. The same gentleman you have seen about here, isn't he? A. I think I saw him yesterday; yes, sir.

Q. Well, now, with the exception of the altercation you had with Dr. Pease, will you name one single thing which you told this committee yesterday which was not hearsay? With the exception of what you had by way of an altercation with Dr. Pease, tell us a single thing that you told the committee that was not hearsay. A. It seems to me there were a great many things.

Gov. Butler. I object to the question. I don't think it is a proper question, for the reason that she did not give hearsay evidence about the pound of butter, and it would take a great while for her to go over her testimony and designate what was not hearsay.

Mr. Brown. Well, the pound of butter is the matter she has gone over and corrected this morning.

Gov. Butler. Pardon me. And the other 325 pounds she has not accounted for.

The Chairman. Is it not virtually the same question as to whether she knows it of her own knowledge?

Gov. Butler. Ask her any question of that kind, and I do not object, but her judgment as to whether it was hearsay or not is not the thing. Ask her about any transaction and I shall not interfere at all.

Mr. Brown. If there is any doubt about this witness knowing whether she knew it personally —

The Chairman. It seems to me the question is a competent one unless the committee think otherwise.

The Witness. Well, sir, was it hearsay to me —?

Mr. Brown. Don't ask me any questions. I am asking you one now.

The Witness. Well, perhaps I don't understand what hearsay is; because it seemed to me that most of my conversation was what I knew personally.

Q. That is the way it seemed to you? A. It did, sir.

Q. Your conversation with other persons, that you related here yesterday, comes under that same head, does it, in your mind? A. No, sir.

Q. Now, let us see. Let us come to the matter of Dr. Pease. You were dairy maid there until some time in 1875, as I understand? A. Yes, sir; I was.

Q. From April, 1875, or from the first day of May, 1875, up to the time you left the hospital in 1880, you had to do with what? A. When I left the dairy, at the request of Captain Marsh, I took charge of the men's sleeping-rooms and the officers' private room.

Q. And afterwards, what? A. Then, at the urgent request of Capt. Marsh, and against some refusal on my part, I consented to take charge of lying-in patients, the convalescent-room, the nursery, the two rooms with old and crippled women, and still have charge of the officers' rooms.

Q. Now when was it you went to take charge of the lying-in hospital? A. It was in the month of August, I think.

Q. Of what year? A. Of 1878, I think. My memory is not strong.

Q. So that you were there at the lying-in hospital nearly two years? A. I was there over two years. I am mistaken about the date which I gave you.

Q. It must have been earlier than 1878, then, that you were there? A. Yes, sir.

Q. Now, you never studied medicine, did you? A. No, sir. I told Capt. Marsh so, and I was afraid I was not competent.

Q. Just answer my questions. You never studied medicine; you never had any experience as a physician or nurse until you went into the hospital at that time? A. No, sir; never.

Q. Now, won't you tell this committee why it was you set yourself up against Dr. Pease, who you say was an experienced and educated physician —

Gov. Butler. She has not said that at all. That was not her statement.

Mr. Brown. If you will hear the whole of my question —

Gov. Butler. I want to object to it as far as it has gone.

Mr. Brown. You can object when I get through.

Gov. Butler. I object when something is stated to the witness which she did not state.

Mr. Brown. I did not say she had said it, — I asked her. You should not object until I get through.

Gov. Butler. I will tell you what I object to. This is it: "Who you said was an educated physician." When I expressly asked the lady if she ever heard that she graduated anywhere, or was educated anywhere, and she denied it, it is not proper for you to state that to her.

The Chairman. I think counsel should be allowed to complete his question, and then if it is proper you have the right to interpose an objection.

Gov. Butler. I suppose I have the right to interpose at any time, Mr. Chairman, when a mistake in statement is made to the witness.

The Chairman. It is difficult to ascertain what the question is until it is put. I think the counsel should be allowed to put the whole question.

Gov. Butler. When I object to a question, that is the rule. When I object to a statement that is not the rule. I am not objecting to the question, I am objecting to the statement. I don't know what the question will be, and I don't mean there shall be any, if I can help it, following that statement. That is the difference.

The Chairman. I think the committee will allow the question to be put, and see what it is. Ask the question.

Mr. Brown. I will try to put it so that it won't be objected to.

Q. Now, Mrs. Thomas, I recollect what you said yesterday about Dr. Pease not having graduated at any medical school, or something of that kind, or that you did not know that. But you understood that Dr. Pease had had education as a physi-

cian, did you not? A. I had never been told so, but I supposed so, or she would not have been there.

Q. From what you saw you understood that she had had some education as a physician? A. From what I saw I should judge she had none.

Q. And you did not have any; and that enabled you to judge as to her competency, did it? Your not having had any; was that the condition of your mind? You say you never had any education as a physician or nurse: and that led you to think that she had not, is that it? A. No, sir; I don't think that is it.

Q. Well, we will leave that all one side. You and Dr. Pease got into difficulty. It was the doctor's business to prescribe for those patients, and direct their medical treatment, was it not? A. Yes, sir.

Q. And you set yourself up not to carry them out: was not that it? A. Only on that one occasion.

Q. Only on that one occasion, and then you did? A. I did —

Q. Never mind the reason. You did? Am I right about that? A. Yes, sir; you are.

Q. You did? A. Yes, sir. I did not give the medicine.

Q. Certainly. And you did not give the medicine because in your judgment you ought not to. That was the reason, was it not? A. Because in my judgment it was taking the woman's life, destroying her life, from what I had seen of other patients.

Q. Not having had any education as a physician, not knowing about the medicine or how it acted, you came to that conclusion? A. I had had at that time some experience.

Q. None except what you have described? A. I had the experience that I had gained by being at the lying-in hospital for over a year.

Q. Do you know what the matter was with this lady that you have been speaking of? A. No, sir; I could not tell what was the matter with her. I saw nothing the matter until she began to take the medicine, and then she began to be sick.

Q. You saw nothing until she began to take the medicine? A. No, sir, nothing wrong; no more than I would see in any lying-in patient?

Q. What was the name of this person that you spoke of? A. Lizzie Homer, a colored woman.

Q. When did you say she was delivered? A. Now, sir, you have my notes.

Q. I will return them to you with great pleasure. Just give me the date when she was delivered. A. "On the 14th of this month"; that was in May, 1880.

Q. That is, on May 14, 1880, Lizzie Homer was delivered? A. Yes, sir.

Q. Now won't you tell me whether you were present at the time she was delivered? A. Yes, sir.

Q. You were? A. Yes, sir.

Q. What time in the day was it? A. I think it was evening.

Q. Evening? A. I think it was; I am not positive; my memory is not over strong, and we had them coming in so frequently that I cannot tell for a few hours.

Q. Do you mean that your general memory is weak, or simply about this being Lizzie Homer? A. My memory about dates and names.

Q. You have already fixed the date. Please repeat what you said in regard to your memory being weak? A. In regard to dates and names.

Q. Now is there anything else about Lizzie Homer on which your memory is weak? In other words, the rest of the history of that patient is clear and distinct in your mind, is it? A. Yes, I think it is.

Q. Now tell me, after the 14th day of May when were you next on duty at that hospital? A. When was I next on duty? Why, I don't know how to answer the question, because I was on duty all the time.

Q. Night and day? A. With the exception of nights.

Q. You were not there nights? A. The first year I was not.

Q. You were not there nights when Lizzie Homer was there? A. No, sir.

Q. The night of the 14th you were not there by the side of Lizzie Homer, were you? Answer yes or no. A. I think not, if it was in the night. It was in the daytime, because I was present. I remember the circumstances.

Q. Very well. You were not there the night of the 14th? A. No, sir.

Q. What time did you go on duty on the morning of the 15th? A. We breakfast —

Q. Don't argue it out; think it out. Don't give us so much. A. I think at half-past six.

Q. At half-past six on the morning of the 15th you were beside Lizzie Homer; is that correct? A. Yes, sir.

Q. Now did you examine her pulse? A. No, sir.

Q. Did you look at her tongue? A. I did not.

Q. Did you bathe her? A. Yes, sir.

Q. When? How long after half-past six in the morning? A. Between eight and nine, I think.

Q. Did you get her breakfast for her? A. I had a breakfast got for her; I could not attend to all these things myself.

Q. Never mind that. A. There are a great many things I could not do; any one might know that.

Q. Well, don't give us any gossip about it. That was half-past six. Did you stay with her all that day? A. No, sir.

Q. Did you examine her pulse on the day of the 15th? A. I don't think I did, because the physician always did that, and took the temperature.

Q. The physician. Who was the physician: anybody but Dr. Pease? A. No.

Q. Then Dr. Pease did examine the pulse? A. I cannot say that she did.

Q. Well, that was her duty, and she always attended to it? A. Yes, sir; to examine the pulse and take the temperature was her duty.

Q. And because you thought she was attending to that, you did not: is that correct? A. That was not expected of me.

Q. It was not expected of you, and consequently you did not do it? A. No, sir.

Q. Did you do it on the 16th? A. No, sir; I did not.

Q. Did you bathe her on the 16th? A. I cannot say whether I bathed her on the 16th. I did not bathe all my patients; I could not.

Q. I want to know whether you bathed Lizzie Homer on the 16th? A. I could not state that I did or did not.

Q. Did you bathe her on the 17th? A. I cannot say whether I did or did not.

Q. Did you feel of her pulse? A. No, sir.

Q. Did you look at her tongue? A. No, sir.

Q. How much time did you spend with Lizzie Homer on the 17th, that you recollect? I don't want a guess. I want you to tell us just as nearly as you can how much time you spent with

Lizzie Homer on the 17th day of May? A. I cannot tell how much time I spent, for I had to be in so many places, and the 17th might have been my bathing day; perhaps I was in my bathing-room bathing my patients.

Q. Suppose it was your bathing day, how much of your time would you be able to spend by the side of Lizzie Homer? A. I could not tell, I should be in and out; in and out as frequently as my duties would permit.

Q. Now, were you there on the 18th? A. I suppose I was there, but I do not remember.

Q. You don't remember anything about it? Can you remember seeing Lizzie Homer on the 18th? Can you remember it at all? Have you any recollection about it? A. I remember looking at her; going in and talking with her, and seeing if she took her meals, etc.

Q. But no definite recollection? A. No, sir.

Q. Now, have you any definite recollection of Lizzie Homer from the 17th up to the time when you say she died? A. Yes, sir. We put her over into the far corner of the room — why, Lizzie Homer did not die. I did not kill her by not giving her the medicine. She recovered.

Q. How long did she stay under your treatment? A. She was there on the 25th.

Q. Well, you didn't have a chance then, because you went away? A. I went away; and when I went away, then Dr. Pease had her removed to the hospital.

Q. So that you don't know anything about Lizzie Homer after the 25th of May, do you, — what became of her? A. I was told that she recovered. I went away. She recovered. The woman did not die.

Q. You heard from others? A. Of course I did not go into the hospital to examine the patients to see who was dead and who was not.

Q. Now, is the relation which you had to Lizzie Homer, and what you did for Lizzie Homer, as you have described in your cross-examination, a fair illustration of what you did for the other patients at the lying-in hospital? That is, I mean in regard to the matter of attention? A. Oh, no, sir. When they were sick, — when they were very sick, I let all my other duties go; as far as possible stood by them, bathed them, gave them their medicine, fanned them, combed their hair, and did all in my power to alleviate their sufferings.

Q. But of course you had a great multiplicity of other cares and duties, so that you could not be with them all the time? A. No; but I say that when I had a patient dangerously ill I let other duties go.

Q. When they were dangerously ill they were taken out of the lying-in hospital and sent to the hospital. A. Well, sir, they died there; they died at the lying-in hospital.

Q. How many were there at the lying-in hospital at any one time that you recollect? A. Sometimes we were so full that I had to remove them into the convalescent-room, and I would have the delivery-room — there were two beds, and I would have one in each bed — and I would have all the beds full in the lying-in hospital; and I have had — I think I have had as many as fourteen at a time before we could discharge them. It was left to me to discharge the patients. From my first going in there it was understood that I was to discharge the patients. I was told by Dr. Martin that he should leave it to me to discharge the patients when I thought they were fit to go to work, or to be put into the nursery, because I was with them so much and saw so much of them that he thought I was competent to judge when a woman was strong enough, and able to be removed. And Mrs. Marsh would usually consult me when she wanted to take a woman for the kitchen. Perhaps I should not say any more. If I approved of it, or if I did not approve of it and she wanted the woman, she took her whether she was strong enough or not.

Q. Well, now come to the matter of these boxes that you spoke of. Where was that box, or where were those two boxes you spoke of yesterday, and are those the two boxes that Mr. Dudley described? Where did you say they were? A. The two boxes — the two large boxes?

Q. Where did you say they were? A. They were in the corridor which adjoins Mrs. Marsh's bed-room. Well, there is a stairway between Mrs. Marsh's bed-room and these boxes, and one of the men's wards is on the other side.

Q. [Presenting a small plan.] There is a little chalk, that being the dining-room of the Marsh family, and that being the hall. Now, will you point out where those boxes were? A. [Marking the location.] Well, here is where they stood. Those two boxes were right here if this is the top of the stairs.

Q. Well, they were up on the second floor when you saw them? A. Yes, sir; they were on the second floor.

Q. About at the top of the stairs? A. Yes, sir. You can see here how it goes in here; and they were sitting in here. Here was Mrs. Marsh's bed-room, and there is a door than goes into the old man's ward, and they sat in here.

Q. Two of them? A. Two large boxes, and usually one or two trunks.

Q. These boxes were on the second floor, and there was a door leading from this floor into this corridor where those boxes were? A. Yes, sir.

Q. Were those boxes locked when you saw them? A. They were fastened down, as I say, with nails or screws.

Q. You don't remember which? A. No, sir; because I did not examine the boxes.

Q. Then how do you know but what they were locked? A. I was passing so often that I could see they were fastened either with nails or screws, and I don't know which. If there had been locks I should have noticed them.

Q. You don't mean that those boxes were there any considerable length of time, do you? A. Yes, sir; I saw those boxes some little time; because —

Q. Never mind about the boxes, but how long did you see them there? A. I cannot say how long I saw them there.

Q. Did you know anything that was in them? A. No, sir.

Q. You did not look into them? A. I could not look into them; they were fastened down; I never attempted to look into them.

Q. Now, when was this that you saw them? Give me the year and the month? A. I don't know that I can give you the month.

Q. Well, give me the year? A. I think it was the year 1878.

Q. The year, 1878? A. 1877 or 1878.

Q. What time in the year was it? A. I saw them there in the fall of the year; because I saw some books — they had been raised and some books with ferns had been put under to press.

Q. That makes you think it was in the fall of the year? A. Yes, sir; that is what makes me think it was, because they usually gathered them at that time.

Q. Any other fact that will enable you to fix the time more definitely? A. No, sir, I don't know that there is.

Q. So that it was either in 1877 or 1878, and whichever it was, it was in the fall of the year? A. Judging from that.

Q. And that is the best you can do for us, is it, as to time? A. I think it is, as to time, sir.

Q. Now, you said something about Mrs. Marsh's room, in some way, in relation to that corridor: what was it? A. Her bed-room. The stairs run between this corridor and her bed-room. There was not an opening from her bed-room directly out; she had to come out onto the piazza and then step into this corridor.

Q. She not only came onto the piazza, but she had to step into this corridor and go up stairs, didn't she? A. Oh, no, sir; her sleeping-room is on the second floor.

Q. Now, Mrs. Thomas, in your examination yesterday you spoke of some physician who was there who did not attend that lying-in hospital, would not visit there, oftener than once in a week. Who was that? A. In saying how often the day physician came in I said I did not see him there oftener than once in two weeks.

Q. And it was which physician? A. Dr. Lathrop.

Q. Now do you mean to give this committee to understand that Dr. Lathrop was not in that lying-in-hospital oftener than once in two weeks? A. I do not think he was.

Q. Well, that is what you desire this committee to understand? A. It is, sir, what I desire this committee to understand.

Q. That Dr. Lathrop did not visit that hospital oftener than once in two weeks? A. The lying-in-hospital.

Q. And that you had occasion to know, because you were there, from time to time, where you could have seen him,— that is what you wish the committee to understand, is it? A. Yes, sir, it is.

Q. And there is no doubt about it in your mind? A. There is no doubt about it in my mind, because my assistant always told me —

Q. Wait one moment. I know it is hard to stop when you get started, but you must restrain yourself. Now, Mrs. Thomas, was there any place in that institution known as a sort of work-shop, where the inmates who were capable of sewing came together under the direction of some person charged with that duty, and spending their time in sewing for the benefit of the

others, that you know of? A. I do not think I understand you.

Q. Well, was there any sewing-room there, where those inmates capable of sewing were in the habit of going to work? A. Yes, sir.

Q. What did they do? A. They made undergarments and skirts, and —

Q. That is, the necessary work —

Gov. Butler. Let her answer. She must answer this time, I guess.

The Witness. Skirts and dresses, and did the mending.

Q. (By Gov. Butler.) For whom? A. For the inmates, sir; for the inmates in the main building on our side.

Q. (By Mr. Brown.) Was it limited to skirts and dresses and mending. Didn't they do everything that a woman could do with a needle, so far as they were able to use a needle? A. Oh, no, sir; no, sir. If they could do everything that a woman can do with a needle, they could have made men's clothing, could they not?

Mr. Brown. I don't know about that. It might be more difficult to make a pair of pantaloons than to make a lady's dress.

The Witness. A lady could do it. I could do it.

Mr. Brown. You have had a great deal of experience.

Q. Now how many were there in that room, usually, so employed? A. I do not pretend to know definitely about the sewing-room. I have made no statement in regard to the sewing-room.

Q. Do you want this committee to understand that you don't know definitely about this sewing-room; and do you also want them to understand that you don't know what went on in that sewing-room? A. I do know about some things definitely that went on in that sewing-room.

Q. I mean generally; that you have a very imperfect knowledge of what went on in that sewing-room? A. I know that I could never find Mrs. Thomas Marsh there more than one hour during the day, and that was in the morning. I never found her there in the afternoon.

Q. That is, the wife of Thomas J. Marsh, Jr.? A. Yes, sir.

Q. But you were there in the lying-in hospital all the time? A. Not all the time. When I had orders for clothing I went

to the sewing-room, and sometimes when I wanted some mending done I went to the sewing-room. I often, many times, passed through the sewing-room in going into the office.

Q. Let us come back to where we started. I want to know if you desire this committee to understand that you had complete knowledge of what went on in that sewing-room — that is, as to the work that these employees were performing? A. No, sir; I have not complete knowledge.

Q. You have not? A. No, sir.

Q. Have you any definite knowledge as to where the material came from on which these people labored in making up these dresses and garments of one kind and another? A. I know it was brought from the store-room.

Q. Do you know it was all brought from the store-room? A. As far as I know it was.

Q. That is just what I want to get at — what you do know. A. I never saw it brought from any other place than the store-room.

Q. Never saw it brought from any other place? A. No, sir.

Q. Do you know anything about what material was used? Was it under your charge or your direction? Were your duties such that you could see what was brought there, and what work was done by those inmates? A. Oh, no, sir. I could not see it at all.

Q. Certainly not. A. Only as I have told you; when I was going out and in. When I was bathing my women I often passed through that room for something I needed.

Q. This store-room? A. Oh, no, sir; but the sewing-room.

Q. Where was the sewing-room? A. It led off from the corridor that leads from the office, and on the other side from the corridor that leads from the hall on the first floor.

Q. And where was this lying-in hospital? A. It was on the second floor.

Q. In the main building? A. In the main building, adjoining my sleeping-room.

Q. Now, Mrs. Thomas, I want you tell this committee, during the time from 1870 to 1875, in April, when you left off making butter, about how many persons there were at the officers' table at that institution? A. I was asked that question yesterday, and I said that I did not know definitely, but I

should suppose there was about eighteen. I cannot say how many there were at that time.

Q. About eighteen: and that included whom? A. Simply the nurses and the watchmen.

Q. That is, the male and female nurses, the watchmen, and the officers connected with the institution; not including the superintendent, or the assistant superintendent, or the clerk, or the physicians, did it? A. No, sir, it did not include the Marsh family or the physicians.

Q. How many physicians were there? A. I think there was only Dr. Whittaker with the institution, and Mr. Marsh, at that time. I think Dr. Whittaker was there for a time.

Q. There were eighteen besides the Marsh family, and the physicians in attendance? A. As I might judge; I am not positive about the number.

Q. That is your best information? The physicians took their meals with the Marsh family, did they? A. Yes, sir.

Q. Where was Dr. Lathrop's sleeping-room, do you know? A. His sleeping-room? It was next to one of my wards, — No. 6.

Q. What was that ward No. 6 used for? A. For some old women — cripples; and I had one or two foolish ones who had fits, and that sort of thing.

Q. Well, in relation to this lying-in-hospital, where was his sleeping-room? A. Dr. Lathrop's?

Q. Yes. A. He had to pass through ward No. 6. He came out of his room into the corridor, passed through ward No. 6 into another corridor, and into the lying-in-room.

Q. It was not very far, was it? A. No, sir.

Q. Not much farther than across this room? A. Not much farther, I should say; perhaps not any.

Q. Then there were, according to your best recollection, somewhere in the neighborhood of thirty persons connected with the officers' table, and with the table of the Marsh family, from 1870 to 1875? A. Were there eleven Marshes there?

Q. I mean, including the Doctor? A. There was only one doctor, outside of the Marsh family, at that time.

Q. (By Gov. Butler.) How many Marshes did you say,— eleven? A. I was asking him if it was eleven. I will think for a moment and see how many there were.

Q. Do. A. There were nine, sir. There were eight Marshes at that time who ate at that table. They were Capt.

Marsh and his wife; Thomas Marsh and his wife, and his son Harry —

Q. And then there was Dr. Marsh; the daughter? A. Yes.

Q. And who else? A. Aunt Martha.—Mrs. Marsh's sister.

Q. That is seven. Who else? You did not count Dr. Marsh? A. I beg pardon, but it seems to me I did. Capt. Marsh and his wife were two; Thomas and his wife, four; his son, five; Nellie was six — Dr. Marsh, six; and Aunt Martha, seven. There were seven, and Dr. Ingalls made the eighth.

Q. Aside from company? A. Yes, sir.

Q. Aside from your daughter? A. She did not eat at that table.

Q. She did better, I suppose? A. She ate a little.

Q. (By Gov. Butler.) You were asked if your daughter was there staying and eating; whether the other officers had their friends there staying and eating? Whether the other officers had their friends there from time to time? A. You ask that question?

Q. Yes. A. Oh, yes, sir. Mrs. Locke's daughter came and stayed frequently; I have known her to remain three weeks.

Q. Mrs. Locke, — what was her position? A. She has charge—she and her husband—of the laundry; and this daughter now has charge of the laundry room, — I suppose now; she had when I left.

Q. I want to ask you further about this Lizzie Homer, the colored girl, whether she had any disease about her, except that she lay in with a child? A. Not to my knowledge. Dr. Pease left her a large dose of powders, and it was this large dose of powders that I neglected to give, because it made her very sick.

Q. Well, I was going to ask you just upon that point. How much time did Dr. Pease spend in that room? A. In the morning, sir, she came in. She made her rounds every morning about between seven and eight. Sometimes she came right from the breakfast table, and she was not there half an hour at a time unless we had a patient in who was sick.

Q That is, a patient that was absolutely in childbirth? A. Yes, sir.

Q. Did she visit again this same day? A. Yes, sir, she would visit again. Sometimes when we had a patient she would run in again at noon for a few moments, and again in the after-

noon, but would remain but a very short time. Her visits did not extend over half an hour to my knowledge.

Q. You spoke, but did not speak definitely, the other day, about some notice given when people or officials came from Boston. Was that notice given when the trustees came, do you know? A. Oh, when the trustees came, sir, we were notified two or three days beforehand.

Q. (By Mr. Brown.) You spoke of a certain old lady who had plants put up at her window. What was her name? A. Honorah Connors or O'Connors.

Q. When was that? A. Oh, for several years before I left the institution.

Q. That is, each year? A. She had those plants. They were in pots. There was a shelf or shelves put up. I think there were two shelves with flowers in pots there. They were growing there; they were there summer and winter,—the year round.

Q. Now, you did not object to that, did you? A. No, sir; I did not object to that.

Q. What was there objectionable about that? A. I thought it was not done from a motive to make the life of the woman happy, but for the purpose of being praised before company; because I think —

Mr. Brown. Never mind that.

Gov. Butler. Pardon me, you are asking her. I want to know what the motive was.

The Witness. I think there are but few gentlemen who have visited the institution who have not been led to Honorah to have her relate how well she is treated by the Captain's family; and she would speak in terms of praise of the goodness of Charles Marsh in giving her those flowers.

Q. There was no question in your mind but that he did it from a wrong motive? You thought it was a crime to let that lady have those flowers; whereas it ought to have been done from a pure motive of benevolence? Now, Mrs. Thomas, on your oath, tell that committee if, when those flowers were put up at Miss Connor's window, other plants were not put up at the windows of the other patients? A. By whom?

Q. I don't care by whom; by anybody. A. Not to my knowledge.

Q. You don't remember it? A. I did not see them if they were.

Q. (By Gov. Butler.) A single question now becomes necessary. This paralyzed woman was kept as a kind of show woman, was she not? A. Yes, sir; I think there are few who visit the institution who are not led to Honorah. I do not mean to say there were not flowers at other inmates' windows; because they were fond of flowers, and they would go to the gardener and get slips and put them out in little pots or tins, or anything they could find, and have them growing in the windows; but it was not at the suggestion of Charles Marsh or Captain Marsh that I ever understood. And in regard to my being discharged,—that was a very serious thing to me.

Mr. Brown. Haven't we had enough about that?

Gov. Butler. Never mind about that. Mr. Brown is satisfied, and I am.

The Witness. I would like to state that the discipline at the institution was so slack, that two years before that, if my — disobedience, I suppose— had been reported to Captain Marsh he would have snapped his finger at it: but, sir, there was something back of that. There was jealousy existing between his daughter, Miss Nellie Marsh, in regard to myself and my daughter.

Gov. Butler. That is all, madam.

Mr. Brown. Now, let us see. What were you and Nellie Marsh jealous about? It was not about Dr. Abbott?

The Witness. Well, sir, I am sorry to mention the name, but it was in regard to Dr. Foster, that was engaged to my daughter. And the Marsh family, they frequently tried to get him into their circle, and he repelled them, he treated them — he felt contempt for their motives; and he even — he made a note of a great many things — [To Mr. Brown.] Do not disconcert me by your smile.

Mr. Brown. I cannot help smiling, madam.

The Witness. He made a note of a great many things that he saw there entirely wrong, that ought to be righted. And he told me that he thought he would try and see if he could not get some justice done to the patients in the hospital, and some other things at the insane asylum where he attended. And I advised him not to, saying, "Doctor, you can't do anything with the family single-handed, and it has been tried by very prominent men."

Gov. Butler. Where is Dr. Foster, now?

The Witness. Dr. Foster is dead, sir.

Gov. Butler. I am sorry for that.

TESTIMONY OF THOMAS J. HALL (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live, Mr. Hall? A. Town of Canaan, State of Maine, Somerset County.

Q. When were you summoned to come here? A. On Sunday last.

Q. Are you the Thomas Hall who got the $100 for handling dead bodies at Tewksbury? A. I could not tell you as to that. I know I got probably more than $100.

Q. Did you get $100 at one time? A. Well, I think quite likely I did. I don't recollect. I got it at some time.

Q. When did you go to work in Tewksbury? A. I think it was the 14th day of July in 1874, if my memory serves me correctly.

Q. When did you leave there? A. I left there in 1877; sometime in April — about the middle.

Q. Were you there at the same time with Mr. Chase? A. No, sir, I was not.

Q. Were you there at the same time with Mr. Dudley? A. I was there a short time after he came there and before I left; I don't know how long; not a great while; it might have been a week, a fortnight or a month; I have forgotten.

Q. Was your wife there also? A. No, my wife was not there, not any great length of time; she was there a short time; she went out and helped a short time, and was then taken sick and went away again.

Q. When you went there what did you first go to doing? A. Went to driving the double team.

Q. What double team? A. Well, the two large horses that were there when I was: went to work about the farm, hauling everything that came along, — hauling lumber.

Q. The double team of the institution? A. My first work was mowing with the machine.

Q. Had you anything to do with burying the dead? A. Yes. I had them all to bury while I was there — all that were buried.

Q. Where did you take them from to be buried? A. I took them from the dead-house.

Q. Under whose orders were you acting? A. I was acting under Thomas J. Marsh, Jr.'s orders, and I supposed the Captain's. I supposed he was under him.

Q. Did you ever take any bodies — deliver any bodies to Mr. Manning? A. No, I never took any to Mr. Manning. Mr. Manning used to come there to get them.

Q. You delivered them? A. I delivered them and helped load them.

Q. Mr. David Manning? A. James Munroe Manning, who lived right there.

Q. And who had a sister? A. And he had a sister Mary. I think her name was Mary.

Q. Will you tell me with what contrivance Mr. Manning came to carry away the bodies? A. Well, in the summer time he came in a wagon, and at other times with a sleigh or pung, when there was sleighing; two large trunks, lined on the inside with sheet zinc, made just as near air-tight as they could be made.

Q. When the bodies were taken, how many would be put in a trunk? A. Well, we used to put in but one adult; sometimes, — there was one or two cases where there was a child went in with them, but very few; there might have been three such cases; I don't think more than that.

Q. One in each trunk? A. One in each trunk, when they came double. Sometimes there would not be but one, and sometimes there would be two go in a night.

Q. You say "in a night." Were they delivered in the night? A. Yes, sir; night or evening; just when the people got quiet and still. It was calculated to be kept quiet and still.

Q. About how often? Every day? A. Well, sometimes you would get them every day for quite a number of days, and then you would not get one for may be a fortnight.

Q. Why not? A. Well, there was none there that he ordered sent away. Of course I could not send what he did not order. I have a book here, where I sent them, day and date, that will show.

Gov. Butler. All right; let us see your book.

The Witness. [Producing a pocket diary.] It is getting old and worn out, and the leaves are some torn. It is a book I have not used for a number of years. It has been laying around and has got torn some.

Gov. Butler. This is a pocket diary for 1874. Show me where your record began.

The WITNESS. The leaves have got torn out and mixed up. It is pretty near the last part of the book.

Gov. BUTLER. That is February 2. Then there is one February 4, then 7, then 8, then 12, 15, 20, 22 and 24.

The WITNESS. It runs along like that. It was about like that all the way through.

Gov. BUTLER. This seems to be October. It ought to begin in February, had it?

The WITNESS. The book has got mixed up.

Gov. BUTLER. Well, as they are all headed, we can put them in in their places.

The WITNESS. I can take time and sort it out and put it together as it goes. Most of them are in the back part of the book.

Gov. BUTLER. We will try to have them all sorted out and pasted.

Q. Did you keep this book day by day? A. Yes, I kept it. As the bodies were sent off I put them down in there, so as to know how many went.

Q. Did you make any return to Mr. Marsh? A. No, not of these, because he kept them himself. I supposed he kept them, so I never used to give him that for him to know by.

Q. If he did not, then this is all the record there was? A. If he didn't, that is all the record there is; but he must have kept one, because if he had not kept one he would not have known how to pay me.

Q. Well, did he pay you? A. Yes, sir.

Q. How much? A. Two dollars for each one.

Q. How much did he pay Manning for hauling them? A. Well, Mr. Manning, if my memory serves me correctly he said that he paid him $10 and $12 when he went single; and when he went double, and had one to each place, the further place did not pay him so much by a dollar or two dollars. They took off something, I think.

Q. Well, Manning got $10 or $12 unless it was doubled up? A. He told me he took off something when he carried two. I don't remember what it was; it was either one or two dollars, and I think it was two.

Q. How much did Marsh get? A. I don't know, sir.

Q. Did he ever tell you? A. He never did.

Q. Had you your regular pay besides those two dollars that you got? A. I had, sir; twenty-five dollars a month.

Q. And keep — and boarded? A. Yes, sir.

Q. How soon after you went there did you begin this dead business? A. Well, I think my book tells; sometime in September. I went there in July. But, at any rate, whether the book tells it or not, it was the first of the cool nights, after it began to come so that it was quite cold.

Q. How does that impress itself upon your mind? A. Because they could not send them in hot weather, not until it began to get cool. That is why it is impressed upon my mind.

Q. Very well. Now, after September, after you began and the nights were cool, what proportion of bodies were buried and what proportion were carted off? A. Well, about all of them that they didn't come after — that their friends did not come after — were carted off. There were a few buried that their friends did not come after; but very few after that, unless they thought there was likelihood that their friends would come after them — that is the way I understand it. When I was there, those that they thought would be called for would be buried.

Q. If the friends called before they were carted off, or they supposed they would come, they were buried? A. Yes; they were buried when they thought there was likelihood of their friends coming for them.

Q. After they were buried were any taken from the graves? A. Oh, yes; quite often.

Q. That is, the friends did not come and they were taken? A. Yes, sir.

Q. What proportion — A. From the graves?

Q. What proportion were finally left buried? Say out of fifty dying, what proportion in the first place would the friends call for? A. Well, very few. Once in a great while, one; I could not tell. Not but very few. There might be one or two out of fifty; but they would not, I think, call for more than three out of fifty. You might put the per cent. a little higher than that, perhaps. I do not know as my judgment would be good on that, because I kept no account of it.

Q. Will your book show? A. No; my book don't show what was called for.

Q. A body would be buried, we will say, expecting friends to call for it. If the friends did not call for it, what would be done, as a rule? A. Well, if it was in the winter time, as a

rule, if it had not got too far gone, sometimes it would be dug up and sent off; sometimes it would not.

Q. At what time of the day or night would it be done? A. It was done after everybody got quiet: sometimes 9 o'clock and sometimes 10, 11, 1 or 2 o'clock — just as I could get Manning to do it. Sometimes I used to do it alone, but I didn't like to.

Q. Under whose orders were those taken out? A. Thomas J. Marsh, Jr's.

Q. Did he ever help? A. I don't think he ever did. I never knew of his helping us.

Q. He knew the fact of the delivery, didn't he? A. He knew it was done; he knew it was going to be done.

Q. Was there anything put over the graves? Any mark or cross or stake or anything? A. A wooden cross marked with a lead pencil.

Q. Marked with the name of the party? A. The name and date of death.

Q. And after they were dug up what was done with that wooden cross; was it left there? A. Well, it was according to how sharp they were looking after the body. Sometimes it would be left there with the grave filled up and the coffin in it — just as I happened to think about it; I was instructed to keep it still. If I thought there was any danger, of course I left it there.

Q. You say you left it there with the grave filled up and sometimes the coffin in it? A. Yes, sir — empty.

Q. Would the name of the name of the party still appear, that the party was buried there? A. Why, certainly.

Q. How was the body gotten out of the coffin? A. Take the coffin right up, take the lid off, take the body out and put the coffin back. Of course the coffins, as long as it was to be kept still, had to be hid, and it was as well to bury them as anything.

Q. Where was the coffin hid? A. Well, in the grave; when we buried them we hid them, of course.

Q. That is to say, that coffin would be accounted for by being in that grave? A. Yes, sir.

Q. Did there use to be much call for infants? A. No; there was no great call for infants when I was there, as I told you before. I do not recollect of their sending for more than two or three during the time I was there.

Q. Were infants buried there? A. Yes; they were buried

there, most of them while I was there, very few of them taken away.

Q. About how many bodies were taken in the winter time to Boston? A. Well, somewheres about — Manning and I were speaking about it when I was there, and he said they would average about sixty-five or seventy, or from sixty to seventy-five, — I think he said from sixty to seventy-five, — a winter, right along; that was winter and fall and spring, while they were sending.

Q. The cold season? A. The cool season; yes, sir.

Q. Did that continue to be so in the other years that you were there? A. All three of the winters.

Q. Did Mr. Manning get anything extra besides his haul? You got two dollars for digging them up and loading them. Did Manning get anything extra? A. I don't think he got anything besides his ten and twelve dollars.

Q. They were carried, — all of them carried to the Harvard Medical School? A. Yes. He told me he hauled them to the Harvard Medical School and to the female medical college, — I don't know where that is. Some went to other places.

Q. Did any go to Dr. J. F. Wetherbee, 46 Dover Street? A. There was one, I think, went to I. J. Wetherbee, 46 Dover Street.

Q. Some went elsewhere. Where? A. That I cannot tell you.

Q. Well, sir, did somebody come and take them away? A. There was an undertaker came there, — at least I was told he was an undertaker, — a man came there one time in the winter when we were cutting ice. There was a body in the ice-house; I forget the name —

Q. In the dead-house? A. In the dead-house. He came and wanted to get it, and I was called off from my team to go and help change it over into the other coffin. I went and helped change it over, and I was told it was an undertaker from Boston when I did the changing; but I did not believe it then. This was somewhere about Wednesday, I think, — Wednesday or Thursday. And sometime during the next week there were two men who came there for that same body, who claimed to be his friends, — a brother, I think, but I could not say as to that, — and they could not get it: it was gone. And they never got it to my knowledge. And I understood that Capt. Marsh read the law to them, and that was all that would quiet them. That is all I know about where the body went.

Q. Whoever the man claiming to be an undertaker was, he was not one of the friends claiming the body? A. No, sir; he was not one of the friends claiming the body; because the other men would not have been after it if he had been.

Q. Now, sir, by some rule or regulation which I do not understand, bodies were sent from the State prison to be buried at Tewksbury. What was done with those bodies? A. They were sent down to the Harvard Medical School. There is where Manning said he carried them — and to the female medical college for dissection.

Q. They were sent off? A. Yes, sir.

Q. Was there one buried there, of all that came there from the State prison, while you were there? A. There was just one; and his friends came for him afterwards, and took him and carried him off while I was there.

Q. Do you know whether the State was charged for burying those bodies? A. I don't know whether the State was charged for burying the bodies or not. I used to see in the papers, "Buried at Tewksbury" such a date, and somebody died in the State prison; but they never got buried there.

Q. Well, now, in the summer time what was done with the bodies? Were any of them pickled? A. No; not while I was there, there was none pickled.

Q. Do you remember the case of one Linnehan of Boston? A. Yes, I think that is the name I recollect; I am pretty sure it is. William Linnehan is the name, if I am not mistaken.

Q. Your memory agrees with mine. That is the man I want. Won't you state his case, please? A. Well, he was taken and sent off to the Harvard medical college; I think it was the Harvard medical college, but I would not say whether it was the Harvard medical college or the Female medical college, — so I was told by Mr. Manning.

Q. At any rate, he went away? A. At any rate he went away. A short time afterwards his friends came after him.

Q. How short a time? A. Well, I think it was about two days after he went, if my memory serves me correctly. I would not be certain about the exact date, but I think about two days. Then I went down to Mr. Manning, and Mr. Manning took his team and went off with it and got the body and brought it back there.

Q. Did you see it after it came back? A. I did see it, and helped dress it. It was cut up in pretty bad shape; that is, the

knife had been drawn down its legs, and the inwards were all gone entirely. We dressed it, and I took and buried it according to orders, and it stayed there three months. Then some one came, — I supposed it was an undertaker: at least I was told that it was, though I could not tell whether it was or not, — got the body and carried it off. I took it up for them.

Q. Who were the friends that came for him the first time when he was sent for and brought back? A. I think it was his brother. I think so; I would not say for certain.

Q. Did his brother stay until he got back? A. Oh, no: he could not get him then, no way.

Q. Did you hear what was said to the undertaker about what he should say to the friends? A. I did not hear what was said to the undertaker.

Q. Did Marsh tell you? A. I think Thomas Marsh told me, at the time, that the undertaker was instructed to tell the friends that the doctors had held a post-mortem examination, and that was the reason they could not get it in the first place.

Q. Well, it is evident they held a post-mortem somewhere, but did they hold one at Tewksbury? A. Not on that body.

Q. Do you remember what happened at one time when a grave was filled with water that was dug for one of these? A. Well, I know the graves used to get full of water sometimes after they were dug in the fall. When the top of the ground was frozen, and there came a quick rain, it was a natural thing that they would fill up with water.

Q. They were dug in advance, then? A. Yes, sir: dug in advance.

Q. How many in advance? A. Well, I used to calculate in the fall to have quite a lot dug. That was my practice, to have a few for adults, and of the small graves I used to have a larger number so as to have enough to last until spring, when the frost came out. I would have to pick them out a little.

Q. Now do you remember an occurrence when Thomas Marsh undertook to help bury under those circumstances? A. No, I do not think he undertook to bury any under those circumstances. He sent me down one day, and told me to take a body out of the dead-house, and go and bury it. I know it was a nasty, rainy day. There had been a spell of weather. I told him when I went away I could not bury that body: I think I told him so, but I will not swear to that. At any rate I got my orders to go and bury it. I went down to the grave-

yard and took one or two inmates with me, I would not say which. I took the body out of the wagon, and the grave was full of water. I put it into the water, and tried to see if I could sink it. I could not sink it, and so I got on to it myself, and went down into the water clear up to my hips. So when I could not sink it I hauled it back and put it into the dead-house. I told Thomas I could not bury it, because the grave was filled with water, and he said, "Keep still." I should not have said it, and I only done it because I was mad. What I said to him I said so everybody could hear it.

Q. Well, what was done with it afterwards? A. Well, it had to stay there until the water got out of the grave, and then I think it was buried again.

Q. I want now to call your attention — I don't know that I quite understand what Mr. Marsh said to you? A. Well, he made a motion as much as to say — I understood it; I don't know as he used any word, but he motioned to me to keep still; he didn't want folks to hear it. I don't know as he said anything right out in plain language. Because I think Mr. Sanborn was near by, and one or two others.

Q. What Sanborn? A. The gate-keeper. I don't know but Sanborn heard it, and I don't know as he did.

Q. Do you remember a case in 1877 where two girls came for their sister? A. Yes, I recollect the case, but I would not say whether it was in 1877 or not; but I recollect the case where two girls came after their sister.

Q. How long after she died? A. Well, a very short time.

Q. By "a very short time" you mean one day or two days? A. I should say about three or four days; that would be my judgment about it. That is usually about the time when they come. I could not tell exactly.

Q. That is, they usually got the word around so that they came in two, three or four days? A. Yes, sir.

Q. Well, they came after their sister's body; did they get it? A. No, they could not get it that day, because Thomas Marsh — young Thomas — was gone, and the old captain didn't know anything about it. He came down to the muck meadow, where I was at work with the double team, and wanted to know if the body was there. I told him it was, that it was all right, and I knew where it was buried. While he was down there the two girls who came after it were down to my house where my wife was. On the Sunday before that my wife was in the

grave-yard with me. We came down across that way, and she had seen this very grave. They wanted to know if she knew the man who buried the dead out there, and she told them she did, that it was her husband. Then they asked her about this body, and she told them she knew where it was, and went out and showed it to them, to accommodate them.

Q. Showed them the grave? A. Afterwards I think they came to get it. I would not say for certain, but I think I dug that body up for them afterwards; I don't know for certain. If I didn't, or somebody else, it must be there.

Q. Do you remember, at another time, a man called for his wife, Catherine Martin? A. Yes, sir.

Q. How soon after her death? A. Well, they told me it was seven years.

Q. What? A. They told me it was about seven years before that that she died.

Q. And did they look for the body? A. Yes, I looked for the body.

Q. You looked for the body. Did you find it? A. I found a Catherine, I don't know whether it was Catherine Martin or not.

Q. Who told you to search for it? A. Why, Thomas.

Q. Well, you went out and you found a Catherine in this way? A. I found it on a cross.

Q. Simply Catherine? A. That was all I could find on the cross. There was no date.

Q. Did you put the name there — the name Catherine Martin? A. I put on Catherine "Martin" on it, and told Thomas what I had done.

Q. Have you knowledge or belief that that was Catherine Martin? A. I could not tell you that. I went back to where I thought they were buried at that time, and found that cross and told Tom what I had done. Now, said I, "He has got to have somebody. He wants his wife. I will do just as you say about it."

Q. What did he say? A. That if it was his wife and I could let him have it, to let him have it. I took it up and opened it and he said it was his wife. Whether or not he could tell, after she had been dead seven years, I don't know, but that was his judgment.

Q. He said it was his wife and took it away? A. He said it was his wife and took it away.

Q. I suppose he saw the stake over the grave, didn't he? A. I don't know whether he saw it or not. I suppose likely he saw it, but I don't know whether he read it or not; I should think most likely that he did if he could read, any way, but I don't know as he could read. He was pretty drunk when he came.

Q. Did Marsh see this, or did you tell him about it? A. I told him about it.

Q. What did he say when you told him? A. Well, I don't recollect, I am sure, what he did say. He didn't go against it, anyway. He would like to accomodate folks when he could.

Q. Well, sir, you came to the conclusion to leave? A. I came to the conclusion to get turned off.

Q. How did you manage that? A. Well, I don't know how I managed it, but I got turned off.

Q. How did you do it? State the whole circumstances, sir. A. Well, I see you are going to leave the subject of dead bodies. There is another thing about the bodies from the State prison. I am under oath to tell the whole truth, and I want to tell that.

Q. Let us have that. A. The coffins always came there in a box — with a box over them — from the State prison. Those boxes I always had my orders to sell if Tom was not there. If he was there he sold them: so he said, at any rate; and when he was not there I sold them for two dollars apiece, and gave the money to him. I always carried him the money and he took it: what he did with it I don't know.

Q. He knew where it came from? A. He knew where it came from, but I don't know what he did with it.

Q. About how many would there be in a year? A. I cannot tell you; three or four, six or eight, — just whatever died in the State prison. The books will give an account of that.

Q. They are supposed to. Do you happen to think of anything more about dead bodies just now? A. No, I don't think of anything more.

Q. Did Marsh ever ask to see this book? A. This book of mine?

Q. Yes. A. No, sir, he never knew I had it.

Q. Did you ever see him keeping any record of these dead bodies? A. I never did; I never saw him keep any record of them.

Q. Now I wish you would tell me how you came to get

turned off? A. I don't know how. I was turned off and that is all I know about it. I asked, after Captain came to me and told me that he should not require my services after so long a time. I think he put the time ahead two weeks or ten days.

Q. Captain Marsh? A. Yes, sir.

Q. Did he tell you why you were turned off? A. He did not. After that I spoke to Tom. Tom was out one day and I said to him something like this: "Your father told me he would not require my services after so long a time," and I gave him the date and I said it was settled. Tom made the remark, if I am not mistaken: "God Almighty! what is that for?" Said I: "That is what I don't know." "Well," said he, "I should think that was smart;" in a kind of funny sort of way. "Well," said I, "I don't know anything more about it." When the time came, I took my pay and left.

Q. Were you sick there from handling those dead bodies? A. I cannot say I was sick on account of handling those dead bodies, but I was sick the summer before I left in April.

Q. Did you call on Tom for any money? A. Not on account of my sickness.

Q. When you went away did you get some money? A. I got my pay for my work that I had done; for my dead bodies, when I went away — for handling the dead bodies, and the pay for my work on the farm. That is all the money I got when I went away.

Q. How much did Tom pay you at that time? A. I think somewhere about $100; it might have been that, and it might have been a little more. I know it was quite a little lot of it. It was a whole winter's work and all came at once.

Q. Do you remember talking with Mr. Dudley about that? A. I do not. No; I don't recollect speaking to Mr. Dudley about it.

Q. Can you say you did not? A. I say I don't recollect speaking to Mr. Dudley about it: I might have done so, but I don't recollect it definitely, so that I could say anything about it. I know I had a good deal on my mind then, and have had since. There are some items that I cannot recollect.

Q. Did Manning ever bring back any pay from the Harvard Medical School? A. I don't know whether Manning ever collected it or not. I think Thomas used to collect it. That is, I could not swear that Thomas collected it; but I can swear that Thomas paid me, and that he sent the money down by me to

Mr. Manning once. I don't know how much it was. It was in an envelope. Sometimes they used to settle twice in the winter. Sometimes they would send up money in the middle of the season, and sometimes in the spring.

Q. By that you mean — ? A. I have seen it and supposed it came from Harvard: I could not swear that a body ever went to Harvard, because I did not go with it. They told me they went there.

Q. Mr. Manning was living when you left? A. Living when I left.

Q. Had he anybody to assist him? A. He had a boy there by the name, Romy Kittredge, but I don't think he was of much assistance to anybody.

Q. Was his negro help — Phillips, I think his name was — there while you were there? A. I think not; I do not recollect him.

Q. You left before Mr. Manning died, of course? A. I left before Mr. Manning died.

Q. Now I want to ask you a little about flour barrels. About how many a day did they have? A. Well, I could not tell you definitely, because I had nothing to do with the baking or in the bakery. I could not know hardly, but I heard them say there that they used about five a day.

Q. Five a day? A. Five barrels a day.

Q. How often were they sent away if they were sent away? A. I could not tell that, either. I know I have seen teams there hauling them off. I think they said the teams came from Lawrence. I think there were teams there from Lawrence. That was the talk, any way. I don't know where they came from.

Q. Well, they had pork barrels, hadn't they? A. I should suppose they must have some.

Q. Do you know about how many barrels of pork they used? A. I could not tell you. I should not suppose they used a great many barrels of pork a day.

Q. Were those barrels also taken away? A. I could not tell you anything about those: I do not know anything about them in any way, shape or manner.

Q. Did Marsh tell you while you were there that they thought of going into the pickling of bodies next summer? A. I don't know who told me, or where I got the information from. I forget: but I know I thought of it after I left. I don't want

to say anything about it, any way: but I know I spoke of it after I left and told my wife they would probably go at it.

Cross-examination by Mr. Brown.

Q. What day in April was it you left in 1877? A. I could not tell you.

Q. Did you leave on the same day when this money was paid you? A. I could not tell you that; I think likely I got the money about the day I left.

Q. You think there was something about one hundred dollars of it? A. Yes, I think it was somewhere just about that.

Q. Did you give a receipt at the time? A. No, I never gave a receipt for money paid me on that business. All I did was when I got my monthly pay, I signed the book.

Q. You never gave any other receipt except the receipt which you gave when you signed your name to the pay-roll? A. That is all the receipt I ever gave.

Q. Can you write? A. Well, yes; a very little.

Q. Probably as well as the average lawyer, I suppose? A. No; I don't suppose I can write as fast as a lawyer.

Gov. Butler. But as well.

Q. Well, now, Mr. Hall, in saying that you received about one hundred dollars, do you mean that that was received from the young man Marsh for the work on bodies, as you have described it — did that include your monthly pay besides what you received for the work on dead bodies? A. No, sir: I should receive from Thomas Marsh, Jr., along about that time quite a large sum of money; and it was just the pay for the bodies; it was not my monthly pay for the work, it was pay for the bodies; I think it was somewheres about that. I don't recollect; I cannot recollect how much it was. I know I had money before that that I had laid aside. I had a little up at Lowell in the bank, and some my wife used to store away once in a while in her pocket. I forget how much there was of it, so I could not tell you.

Q. You don't say certainly that it was one hundred dollars? A. I don't say certainly that it was one hundred dollars; but I received quite a little large amount there, and I should say it was one hundred dollars or more, anyway.

Q. And you mean to limit that to what you received from the young man Marsh? A. For that winter; if my memory serves me correctly that is correct.

Q. You were hired to work on the farm? A. Yes, sir.

Q. And of course this work that you did, as you have described, in regard to these dead bodies was extra? A. That was extra.

Q. It was not included in your contract as laborer on the farm? A. No, sir; it was not.

Q. And you did this work and you were paid for it? A. Yes, sir.

Q. Did you think you were paid too much? A. No, I never thought I got enough; I thought somebody else was pocketing the money, and I was not getting but little.

Q. But still you did it for the price you have stated? A. Well, I did it because — The reason why I did it was just this: towards the last of it, and towards the first of it I would never went into the business except that times were hard and I was a working man and had to work for my living — which I don't know is anything to be ashamed of, either; — and if I left that job at that time it would be hard work to get a job in Massachusetts where a man could get a living; and I thought if I should leave that — I thought if I would not do what I was doing in regard to burying and sending off these bodies, I would have to leave my old job. When I was turned off I was calculating to leave in a short time.

Q. Well, is it not a fact that you had said, in the presence of Capt. Marsh, that you intended to leave? A. No, it is not a fact.

Q. You stated it about the place? A. I stated it about the place, but not in his presence, that I know of.

Q. And was it not a fact that when you were notified that your services were no longer required, you were also informed that somebody had been procured to take your place? A. I think the Captain said so.

Q. Now was there not a misunderstanding between you and the Captain? He took it from something you had said to him or somebody else, that it was your intention to leave immediately, and he got somebody to take your place. Afterwards he found out you had said so in a moment when you were a little vexed, or something of that kind; is not that the fact? A. I think not; I think that is not the case.

Q. You never thought so? A. I think Capt. Marsh had something against me; I don't know what it was.

Q. You felt that he had? A. I did think so; yes, sir. I

don't know what it was. He knows himself better than I can tell you, if he did have.

Q. Now, you went there when? A. In 1874, I think.

Q. What time in 1874? A. July the 14th.

Q. Now, do you wish us to understand —

Mr. BROWN. Of course, I understand, Governor, that the diary has not been put in.

Gov. BUTLER. No, it has not been read, but it is quite at your service.

Mr. BROWN. Well, is it the intention to put it in?

Gov. BUTLER. I will put it in if you desire it. It is quite at your disposition. I have only looked at it two or three minutes, and have not had time to read it.

Mr. BROWN. If it is not put in I do not intend to ask this witness any questions about it; if it is your intention to use it I want to ask the witness some questions about it.

Gov. BUTLER. Well, I will use it if you wish to ask questions about it.

Mr. BROWN. I shall not ask any questions about it until it is used.

Gov. BUTLER. I shall undoubtedly use it if I find there is anything in it that is material and has not been told.

Mr. BROWN. Then I will wait until you find out whether you will use it or not.

Gov. BUTLER. I cannot tell until I see it, and I have not yet had time to do so.

Mr. BROWN. Well, sir, you can take all the time there is. You can take plenty of time; we won't hurry you.

Gov. BUTLER. Oh, no. I shall take plenty of time for it, I have no doubt. You can have it if you desire, and if you don't desire it you need not have it.

Q (By Mr. BROWN.) You did not sign any receipt when you left, except upon the pay-roll? A. No, sir.

Q. [Producing a receipt.] Will you look at that and tell me whether that is your signature? Answer yes or no. A. Yes, sir; that is my signature.

Q. Now, didn't you sign that? A. I did sign that. I should judge that was my writing.

Gov. BUTLER. Let me see it, please.

Mr. BROWN. It is not at your disposition yet.

Q. Then you want to correct the statement that you did not sign a receipt? A. That is what I believed; I did not think I

did. Now, when I see it, when I see I have made a mistake, I am ready to acknowledge it. I think that is my handwriting; it looks like it.

Mr. Brown. (To Gov. Butler.) Now you can have it if you like.

The Witness. I should say that was my handwriting.

Q. (By Mr. Brown.) Any doubt about it? A. Oh, no; but I had forgotten that I ever gave a receipt. As I told you, I had so much on my mind at that time — a man cannot always recollect everything. I calculate to tell the truth when I know it, and when I do make a blunder I am willing to acknowledge it. I never recollected of signing a receipt for anything of the kind.

Q. Now, Mr. Hall, does not that receipt correctly state the fact of your settlement? A. That states the fact of the settlement; yes, sir.

Q. I don't care to read it, but simply read it and tell me if that is not a correct recital of the facts of the settlement with young Marsh in regard to this matter of the bodies? A. Well, it may have been done in this way. It shows that he has fully paid me.

Q. No, simply whether it is not a correct recital of the facts which took place on that 13th day of April, 1877? A. Oh, yes; that took place on the 13th day of April, 1877. No doubt about that.

Q. Now, is not that all the money you received on that day as a final settlement? A. I don't recollect, but that is not all the money I received for my winter's work for that business.

Q. Of course not? A. Not by a good deal. He might have paid me a day or two, or a month before that.

Q. Very true. But on that day when you left, and after Marsh knew you were to leave, he settled with you, and that is all the money he gave you? A. I think likely it was — on that day; but I am very certain he paid me a short time before that. I know that he paid me two dollars apiece all through the winter. I cannot tell just what he did pay me; I would not say for certain. He paid me that, of course, for that receipt shows it. That is all the way I know. I did not recollect, but the receipt shows that I gave one.

Q. (By Gov. Butler.) In the first place, who was the paymaster on the pay-roll? When you went up to sign the pay-roll, who was the paymaster? Was Thomas J. the paymaster?

A. I forget whether it was Thomas or Charles. It seems to me as though it was Charles. I would not say which, but it was one or the other of them, I think.

Q. Well, now this receipt is: "$46. Tewksbury, April 13, 1877. Received of Thomas J. Marsh, Jr., forty-six dollars in full to date inclusive, for labor on material." Now, what material did you labor on? A. Well, the materials were those dead bodies; that is what the receipt meant.

Q. Well, if it was honest and open business, why didn't the receipt say so? A. That is what I cannot tell you. I don't know anything about that. I signed the receipt. I had to get my pay, so I signed the receipt he requested me to. I did not calculate to go back on him for any more money, that shows.

Q. Won't you look at that receipt and see if you are sure there has not been something added to it since it was given? Look at the color of the ink at the top and the color of the ink at the bottom. A. Well, it looks that way, but I could not say; I would not say; there is two different colors of ink there.

Q And the top of it is very black ink; your signature is very black, and the black ink continues down to "inclusive for labor on material." That is paler ink, isn't it? A. It looks that way; yes, I should say that was the case. I don't know as I recollect anything about it, when it was made.

Q. Now I want to ask, did you labor around here or go to Maine after you left Tewksbury? A. I went right down to Maine; I have never worked a day in this State since.

Q. Was the day you were summoned the day that you received the first intimation that you were wanted here? A. I was sitting at home — it was Sunday — taking care of my wife; she has been sick about all winter.

Q. Was that the first intimation you had that you were wanted here? A. Yes. The first I saw, Mr. Innis drove up, and I expected the sheriff was going to lug me off. I was kinder scared then, and I went to the door.

Q. (By Mr. Brown) Had you been expecting the sheriff? A. I don't know as I had. I did not know it was the sheriff. I did not know who it was until I went out to see, and he introduced himself.

Q. (By Gov. Butler.) You knew what you had been doing? A. Yes; I knew I had been doing wrong.

[Adjourned until Monday, April 9, at 9 A. M.]

SIXTH HEARING.

Monday, April 9.

The committee met in the Green Room at 9 A. M., Senator Loring of Worcester in the chair.

The Chairman. A quorum of the committee is present and we are ready to proceed. The chair has received the following note containing information that the Governor will not be present, and that Mr. William B. Gale is present to represent him and examine the witnesses: —

Commonwealth of Massachusetts,
Executive Department,
Boston, April 7, 1883.

Dear Sir, — Being called away about a family matter, among other things, on Monday, I have asked William B. Gale, Esq., to present some testimony, which I have prepared for him, before the committee, and he will continue the investigations under my instructions, as I would, until I get back.

Very respectfully,

Benj. F. Butler,
Governor.

Hon. E. P. Loring, Acting Chairman of Committee
on Public Charitable Institutions, Boston, Mass.

Mr. Gale. Is the committee ready to proceed?

The Chairman. One moment. I received yesterday noon the following letter from the Governor: —

Commonwealth of Massachusetts,
Executive Department,
Boston, April 4, 1883.

Dear Sir, — I have not yet received the books I called for this morning. As I desire to examine them, and the committee will not be in session, I desire that they may be sent down to me — all the books and records of the Tewksbury almshouse since 1870.

Yours truly,

Benj. F. Butler,
Governor.

Hon. E. P. Loring, Acting Chairman of Committee
on Public Charitable Institutions, State House.

It was stated by the Governor last week that certain books that had been sent were copies and not the original books. I should like to have Mr. Charles Marsh step forward for a moment.

TESTIMONY OF CHARLES B. MARSH (*sworn*).

Q. (By the CHAIRMAN.) Your name is Charles Marsh? A. Charles B. Marsh.

Q. You are clerk at the Tewksbury almshouse? A. I am, and have been since 1869.

Q. Did you deliver certain books to the Governor last week? A. I did, sir.

Q. What were they? A. They were the original bill books of the institution.

Q. What are the bill books? A. They are copies of bills which are on file in the Auditor's department.

Q. The original bills are on file? A. Yes, sir. The books delivered are copies of the bills and the first copy that is made. Anything any more original than that is on file in the Auditor's department.

The CHAIRMAN. Now, in regard to the books called for, Mr. Brown.

Q. (By Mr. BROWN.) Have you furnished all the books at the institution? A. I cleaned out my safe this morning.

Q. Of everything? A. Of everything.

Mr. GALE. They have not been received.

The WITNESS. I can give you the expressman's receipt for them.

Mr. BROWN. This letter is dated April 4. To-day being the the 9th, it is a little late.

The CHAIRMAN. I received that yesterday noon. Of course, the legislature having adjourned, I did not get it until Saturday noon. Now there are certain of those books that the clerk says it is important that he should have as soon as possible.

Mr. GALE. He has just spoken to me and said that there were some of them, that, if retained, would interrupt business; or rather, that they could not carry on business without them, as I understood him; but that is only in case of death.

The WITNESS. I have nothing now to identify a person who may die. If a person comes to identify one who has died, I cannot identify them without my books.

The CHAIRMAN. I should think that book, for instance, might be examined very quickly.

The Witness. It is simply a register of names.

Q. (By Mr. Gale.) Do I understand that is now on the way here? A. That is on the way with the others, — every book in the institution.

Mr. Gale. So far as I am acquainted with the matter, I have no doubt that everything will be done as speedily as can be, and if this book is something that must be had there, it will be examined with the least possible delay. It seems to me a little strange — however, I am not going to criticise — that you cannot recognize the bodies of these inmates without going to a book. However, that is stated as a fact, and, if it is a fact, the book should not be here any longer than is absolutely necessary.

The Witness. I do not say I cannot recognize the bodies of the inmates, but we have several there of one name, and to identify them I must learn the address of the friends.

Mr. Brown. I want to say one word in regard to these books. This is the fifth time that some reference has been made to these books. No attention was paid to the first call, because it was a call for specific books, none of which were in the institution; or ever had been there. Therefore no attention was paid to it. The second call for books was made at a time late in the evening, when the committee was to adjourn, and they were to be furnished to His Excellency the next morning. Well, as the last train from Boston to go to Tewksbury leaves at about half-past seven, and this was about nine, it was impossible to get those books here the next morning. However, advantage was taken of that for the purpose of saying that my clients were unwilling to produce their books. Now, upon the third call, we have produced everything that we have at the institution. The fourth call was for every scrap of paper in that institution, of which we did not deem it proper to take any notice; because I take it that a call of that kind is not a notice to anybody of any particular thing that is desired.

Mr. Gale. I only desire to say, Mr. Chairman, that I am not familiar with this matter. I am here because Gov. Butler is unavoidably absent for one day only, and I think any matter of this kind, before any decision is made about it, should be held in abeyance, except in the matter of this one book, which I admit should not be away from the institution but the shortest possible time. But as far as other matters are concerned I should not be here to answer at all, or to make any suggestion.

The Chairman. Go ahead with your next witness, Mr. Gale.

Testimony of Fannie R. Dudley (*sworn*).

Direct examination by Mr. Gale.

Q. Your name is Fannie R. Dudley? A. Yes, sir.

Q. Where do you now reside? A. At Danvers hospital.

Q. How long have you been there? A. Five years in July.

Q. You are married, I believe? A. Yes, sir.

Q. What is your husband's name? A. Charles H. Dudley.

Q. And has he resided at Danvers during the same time you have? A. Yes, sir; I went there a few days before he did.

Q. You were married at the time you went there, were you? A. Yes, sir.

Q. What was your position there when you first went to the almshouse? A. Night watch-woman.

Q. As night watch-woman what were your duties? In what part of the institution were you? A. The almshouse proper and the foundling hospital.

Q. Did you have any talk with any of the officers, with the matron or the person in charge, or with the superintendent, when you went there, about your duties? A. Mr. Dudley and I went there together, and he asked the superintendent about our duties. He said nothing to me, but I asked him what my duties would be and he told me that Mrs. Elliot would tell me. She was the night watch-woman at that time.

Q. You took her place? A. Yes, sir.

Q. Well, did she tell you? A She told me I could do about as I was a mind to, and only go through once in awhile during the night.

Q. Do you know how long she had been there? A. She told me, but I have forgotten how long she said it was.

Q. Well, anything more that she told you about your duties, about what you could do, than what you have stated? A. She said I could go around — at first I would go around about nine o'clock — my husband was on duty at six — I would go around about nine o'clock, and when everything was still if I wanted to lie down and go to sleep I could.

Q. Nine o'clock at night, I suppose? A. Yes, sir.

Q. Anything else that you think of regarding what she told you as to your duties that is of any importance? A. I do not remember anything else just now.

Q. You went upon duty then in this part of the institution, did you? A. Yes, sir.

Q. How long did you continue to serve in this capacity? A. Until the next July, 1877. I went to the insane asylum at the request of Capt. Marsh.

Q. Now, you went then, you say, to Danvers? A. I went there in July—

Q. Or when did you finally leave the Tewksbury almshouse? A. I left there in July, 1877.

Q. In 1877? A. Yes, sir.

Q. At any time when you were there I want to know if you saw two bodies, at any time; and if so, tell us where and how they were? A. The only time that I ever went to the dead-house was one night when Mr. and Mrs. Pope wanted me to go down. That belonged to their duties; that was not my part of it. I went down with Mr. Dudley. We went to the dead-house and I saw a large trunk there.

Mr. Brown. I pray the judgment of the committee. I do not see how this is in any sense competent or in any sense in response to any charge that has been made.

Mr. Gale. It is only one instance, and I understand that such evidence has already been admitted.

The Chairman. Saw dead bodies at the dead-house?—I don't see that any harm was done.

Mr. Brown. Let me call the attention of the committee to where we are this morning. In the first place, at the first hearing, I made a request for charges; and the committee will recollect the discussion which took place at that time. It was then agreed between His Excellency, the committee and myself, that we should proceed, it being understood that the only charges against this institution were the charges made in the inaugural address; to wit, that bodies had been sold, and that this institution was a very expensive institution. That is, that the salaries were exorbitant and unreasonable; that the salaries were a larger percentage of the cost of the institution than they should be. Now we have not had a syllable of testimony on the subject of salaries or the expenses of this institution. We have had testimony in regard to the delivery of bodies, every syllable of which would have been admitted if we had been consulted about it. But there is no disposition to consult us. Now any bodies, or anything which took place at that dead-house, after the admission which has been made here, after the statement which has been made to-day, it seems to me, is entirely irrelevant and entirely immaterial, and has no tendency what-

ever. There is no charge made against this institution as to want of discipline — not a syllable. So that we are going on here and spending an immense amount of time, and we are listening to the testimony of witnesses who say that somebody else told them this, that or the other: and we are making no progress whatever, except absorbing an immense amount of time on a matter which seems to me to be entirely immaterial. Now I don't know what this witness is eventually coming to, but from the capacity in which this witness served it is perfectly evident to my mind that she don't know, and her testimony will not tend to prove, that there was a body sold: and that is the only thing we are after — simply the two charges in reference to the sale of bodies and the expenses of this institution. And I sincerely hope that if this committee expect and wish to adjourn before July that we shall commence to limit the investigation now to these main charges, and to evidence within the purview of the charges which have been put forth.

Mr. Gale. I had not understood, Mr. Chairman, that there has been any charge put forth, so far as my knowledge went. I had understood that that question had been discussed and decided here differently from what my brother intimates. I should have been done with this witness in half the time that we have been talking about it, if she had not been interrupted, and we should know all the witness knows about bodies, for she has already said there was but one case. It would have taken but a very few minutes. I understand that this sort of testimony has been already ruled upon, and therefore I have no occasion to discuss it.

The Chairman. The evidence has taken a pretty broad range. The charges in the message, the committee understand, are substantially as stated by counsel, with the addition of that under the charge of mismangement. Possibly a charge of inhumanity or brutality in the disposition of bodies might be competent. As one member of the committee, I now feel that, so far as dead bodies are concerned, the testimony should be confined to illegal acts or to inhuman acts. Is that the sense of the committee?

Mr. Murphy. I should move, Mr. Chairman, that the question be admitted. And in making that motion I want to say that I do it because I want, as far as possible, to satisfy myself that I have thoroughly investigated the matter before us. I do not want to do it in any half-washed or slip-shod manner.

The CHAIRMAN. I do not think any member of the committee does, either. The question is now whether the witness shall be allowed to testify to anything except illegal or inhuman acts, so far as dead bodies are concerned. There is no particular question now to be ruled upon. You may go ahead, Mr. Gale, and when the questions arise they can be disposed of.

Q. (By Mr. GALE.) Now I ask you the question, whether you saw any dead bodies; and if so, when and where?

Mr. BROWN. I object, Mr. Chairman, to the question. The question is entirely immaterial unless it is for the purpose indicated by the chairman.

The CHAIRMAN. I take it. Mr. Gale intends to pursue that course.

Mr. BROWN. To show that there is something to prove that a dead body was used in an illegal manner or for an unlawful purpose. Do I understand it?

Mr. GALE. Yes, sir; substantially this. If your Honor will pardon me, I would like to know how it can be shown that dead bodies were sold illegally, unless you first show they were there and taken away. It seems to me to be a part of the most competent evidence that could be presented.

The CHAIRMAN. It seems to me the question is not objectionable.

Mr. GALE. Unless it is followed up and connected with something else, it will be of no value.

Mr. BROWN. Mr. Chairman, we admit that there were dead bodies in that dead-house every day in the year, and I am perfectly willing to admit that this witness saw them there every day in the year; but what of it?

The CHAIRMAN. No harm will be done unless it is followed up by other testimony.

Q. (By Mr. GALE.) Now if you will answer that question, Mrs. Dudley. A. Mr. and Mrs. Pope and myself and husband went to the dead-house one night, somewhere about ten o'clock. There was a large trunk in there. Mr. Pope opened the trunk and I saw in there the body of an adult and a child.

Q. An adult man or woman? A. A woman, I should think; she had long hair.

Q. Is that the only time? A. That is the only time; I was so disgusted with it then that I never went again.

Q. Was there anything on the body of the woman that

attracted your attention? A. Well, it looked something like a blue coat with brass buttons on it.

Q. Do you mean a man's coat? A. Yes, sir; it looked like that.

Q. Did you see them afterwards to know if they were taken away at any time? A. I went down again in the morning. I wanted Mr. Dudley to go, but he did not feel very well and did not want to go in there. I told him I wanted to know whether it was taken away or not. I went, and it had gone.

Q. The trunk? A. Yes, sir.

Q. Do you know what became of it? A. No, sir; I do not.

Q. Now, when you first went there, what was the condition of those parts of the institution in which you were — into which your duties called you? A. At the foundling hospital I often found the children neglected at night; the night watch-woman would be asleep.

Q. Well, give us that as particularly as you can, if you have memory. When did you first notice anything of that kind? A. It was soon after I went there; a matter of a few weeks.

Q. Tell us about that? A. It was in the winter when I recollect it first; when it was cold. Sometimes I would find the fires out.

Q. Well, can you specify any particular time, Mrs. Dudley? A. I should say it was in the month of December or January.

Q. Soon after you went there? A. Yes, sir.

Q. Did you find those fires out more than once? A. I found them out only once — entirely out. That night I built it up myself.

Q. What time in the night was that? A. Two o'clock.

Q. Where was the nurse? A. She was sleeping in a corner of the room, on a bed.

Q. Was there any one else in charge, except herself; except you were there as night watch-woman? A. No, sir; I was there as night watch-woman.

Q. Now, anything else in that foundling department, that you saw? A. I noticed a half-pint bottle of morphia, that the night nurse said she gave to the foundlings to quiet them.

Mr. Brown. Never mind what she said.

Mr. Gale. I don't know about that, sir.

The Witness. I asked her what it was for, and she told me.

Mr. Gale. When there is objection made you must wait and let the committee pass upon it.

Q. When was that as nearly as you can tell? A. It was along in the winter, sometime in January or February.

Q. Did you ever see it more than once? A. Yes; I always saw the bottle there.

Q. When did you see it, whether at night or in the day? A. At night. She was giving one of the children some.

Q. When was that? A. At night. The child was crying. I asked her why she gave it and she told me, to quiet them. I told her it was wrong to do so and she said she didn't care, she was not going to be kept awake.

Q. Did she tell you what it was? A. She told me it was something the head nurse gave her. It was labelled "Morphia."

Q. It was labelled "Morphia?" A. Yes, sir.

Q. You saw her giving it on one occasion. Did you see her give it more than once? A. No, sir.

Q. Did I understand you to say you saw the bottle there more than once? A. Yes, sir; I saw it there.

Q. Now what time did you use to go into your department that you are now speaking of? A. I used to go down there the first part of the night, and again somewhere about after two o'clock; sometimes I would go down again in the morning, at four or five o'clock.

Q. Did you stay there any length of time? A. Sometimes I would sit down and stay half an hour, and sometimes more.

Q. And have you given us all that you saw there about any morphia, or any treatment of the children, or the actions of the nurse? A. I often found children — their bottles were sour sometimes: and I would stay and wash them out, and go back to the house and get milk for them — sweet milk. Sometimes we would not have enough, and sometimes we would have plenty of milk.

Q. Was this a rare or frequent occurrence? A. Well, it was frequent. I reported it to Capt. Marsh, and some ten or twelve days after that he removed her.

Q. After what? Which one of the transactions you have related? A. About the morphia.

Q. How soon after you saw it did you report it? A. I reported it the next morning. I laid a note on his desk, and then I went to see him again that night.

Q. She was discharged a few days after that? A. Ten or twelve days after that.

Q. Anything else except what you have stated — the morphia, the fires, the nurse being asleep, and the milk, the bottles being sour — any other matter? A. Sometime, I think, in the month of June — it might have been in May — in May or June that day nurse went out one afternoon, and I asked her to do some errands for me at Lowell. So I went down again at the time I expected her back, which was along late in the afternoon. She called me up stairs to see a baby that had been isolated on account of disease; it had some disease, she said. And there was an insane inmate that had been taking charge — helping take charge in the daytime — and I saw this child with a pillow over its head.

Q. Who did you say showed that to you? A. Mrs. Burbank, the woman that had charge in the daytime. It had a pillow over its head. I took the pillow off, and I thought the child looked as though it had been suffocated. And I asked her about that, and she swore about it, and acknowledged that she did it — this insane woman did. Mrs. Burbank told me to say nothing about it. I told her she ought to report it to Capt. Marsh, and she did go up and report it, or at least she said she did. I was not with her, I stayed there until she came back, and I asked her if she reported it, and she said she told Capt. Marsh and he told her not to tell about it, for if she did it would be as bad for her as it would for him.

Q. Well, the child was dead when you found it? A. Yes, sir.

Q. Had been smothered by a pillow? A. Yes, sir; that woman who did it never was taken away to my knowledge: I always saw her there afterwards.

Q. Up to the time you left, did you? A. I saw her up to the time I left, often; and I think I did afterwards. I didn't go down there much after I left the foundlings.

Q. When was it that you left the foundlings? A. I left there in July, I think, 1877.

Q. Where did you go then? Where were your duties assigned you? A. One night, while I was on the night-watch, I went over to the insane building with my husband. There was a cell and there was a woman in the cell, and she called to us and said she did not have any bed. I did not believe her at the time. I thought perhaps she did have a bed and said it: because insane persons often say, sometimes, what they do not really mean. But I asked Mr. Dudley if he had a key, and said

we would go in there. He tried several keys, and at last he found one to fit the lock; we went in and she did not have any bed, she did not have even a blanket. There was a little straw in the corner of the room, but a very little.

Q. What was the condition of that? A. It was clean. We went there the next night and we found her there again. She said she had not had anything to eat through the day. I went back to our supper-table and got her something to eat. And I told Mr. Dudley I thought we ought to report it, and we reported it; we called for Mr. French and told him about it; and he did not do anything about it.

Q. Who was Mr. French? A. He was supervisor of the insane building and had charge of the insane patients.

Q. That was soon after you went over to the insane department? A. No, sir; it was when I was on the night-watch.

Q. When you were on the night-watch? A. Yes, sir.

Q. Do you know what was done with her afterwards? A. I reported it to Capt. Marsh; I asked him if I should report it to Dr. Lathrop. He said, "I am superintendent here, and I want such things reported to me." And there was nothing done about it. She was in there about ten days. I carried her supper every night. No one ever knew of it before, only my husband, for this is the first time I have told it.

Q. You carried her food at night, did you? Did she eat it? A. Yes, sir; she did. I stayed until she ate it, because I didn't want them to know I had fed her.

Q. No difficulty about her eating? A. No, sir.

Q. Did she seem to have a good appetite? A. She had a very good appetite.

Q. I wish you would locate that cell as well as you can. A. Well, it was in the corner of the basement, near the airing court. And it was right opposite the fireman's room, where the fireman was. He said he heard her and pitied her.

Q. What was his name? A. I don't know what his name was. He was an inmate of the almshouse.

Q. Did she make complaint to you? A. She hollered to us, and said she was hungry and cold.

Q. How was she dressed? What did she have on for clothes? A. She had on a cotton dress, two skirts and a chemise, shoes and stockings.

Q. Now, before you went over to the insane department to your duties, did you see anything else in any other department

except what you have told us? A. One night I saw a woman left out. She was forgotten by the supervisor, left out in the basement; and when we went over there she was sitting on the steps in the lower stairway, and she did not seem to know very much where she was or anything about it, only they had neglected to lock her up. Mr. Dudley went up and called the supervisor. He got up and gave her a good shaking because she stayed out — because she did not come around when he locked them up.

Q. Can you tell us when that was? A. Sometime in the winter. I do not recollect the date.

Q. This first winter you were there? A. Yes, sir; while I was on the night-watch.

Q. Did you see anything else before you went over to the insane department? A. Nothing that I remember particularly.

Q. Did you know, or do you now know, anything about the condition of these foundlings, — these babies? A. Well, the babies were usually sick. They would commence vomiting about nine days before they died, and their flesh would be wasted away; their skin would be very wrinkled, and they would look like old men and women.

Q. Well, what per cent. of them died? A. I don't know. I counted up to seventy-three, and I didn't count any more.

Q. Well, in what length of time was it that seventy-three died? A. I should think about the time I was on the watch.

Q. Can you tell how many there were there — or how many survived? A. One, I think.

Q. Only one? A. I think so. I won't be positive: I think there was one.

Q. How certain are you about the seventy-three, or about that? A. Well, I counted them.

Q. What did they use to do with them when they died? A. Well, I used to see Tim carry out a coffin under his arm: sometimes in the daytime, sometimes just at night, and very often I would see him go out along about five o'clock: perhaps sometimes in the morning. Sometimes I would hear Thomas J. Marsh, Jr., holler to him and ask him if he was going to a funeral.

Q. Did he make any reply? A. No, sir; I never heard Tim make any reply.

Q. But Marsh would ask him if he was going to a funeral? A. Yes, sir.

Q. Anything else? You say one survived, but you cannot give us the whole number that were there? A. No, sir; I never counted the number. Sometimes there would be forty children there, and sometimes less.

Q. About what were their ages? A. Well, I don't think there were any over four years old. Some babies would be quite young.

Q. When they were brought there? A. Yes, sir.

Q. Now is there anything more before you went over to the insane department? We will come to that by itself. A. I don't remember anything just now. I remember one thing. Some of the children in the nursery used to cry because their mothers said, they were hungry, because they did not have enough to eat; and I often carried them up crackers; and Miss Kimball (she was then) reported me for carrying in food, and I stopped it because they said it was not right.

Q. Who said it was not right? A. Mrs. Marsh said so.

Q. Which one do you mean? A. The old lady Marsh; the matron.

Q. Well, have you any memory of about what time that was? A. No, sir. I do not remember the month; it was in the winter.

Q. Do you recollect how many times you carried up food of any kind to them? A. Oh, I carried it up several times before I was found out. I carried apples sometimes. The way I got the apples, Mr. Walsh gave them to me. He used to keep the green-house. He was hungry, and said if I would make him biscuit he would give me apples. He gave me half a bushel, and I divided them between the foundlings and nursery children.

Q. Now when was it, exactly, if you know — when was it you went into the insane department? A. July, 1877.

Q. Now what was the condition of things when you went there? A. I found the beds in a very bad condition. Mr. and Mrs. Barker told me what a bad condition I would find them in. When I went over there they came in and went around with me.

Q. What was the condition of the beds? A. They were in a very filthy condition. On some beds there would be only a single blanket. Sometimes there would be one sheet and a single blanket. A great many of the beds had to be changed because they were rotten with filth. The odor was very bad.

Q. Did you have them changed? A. Yes, sir; I did.

Q. Were the inmates using those beds that you said were rotten? A. Yes, sir; they slept in them.

Q. Well, you say they were in a rotten condition. Describe more nearly, if you can, that condition. A. On taking up a bed it would be all wet underneath; and the tick was torn, it was so rotten; and looking into the bed it was wet, soiled — the straw was; and the tick was soiled.

Q. So that there was a bad odor from it? A. Yes, sir; a very bad odor. Dr. Lathrop came over there and told us about it, and told us he wished to have the beds got into as good a condition as possible, as soon as possible.

Q. Now, what do you know about the treatment of any of the inmates of the establishment? A. I found one, Mary Barron, in an upper cell: she was entirely nude, and her bed was simply some straw, and that was in a very filthy condition.

Q. She had no clothing on at all? A. No, sir: none at all. She was very thin; I should think she would weigh forty or forty-five pounds. The skin was just tightly drawn over her bones.

Q. Well, what was done with her? A. There was an insane idiot girl taking care of her, who would take her meals to her. Mr. Dudley watched her and found she would throw them into the water-closet. Mr. Dudley told me to see that her meals were carried up, and he went with me once or twice. We carried them up to her, fed her, took her out as soon as possible, and dressed her. At the time we carried three meals a day the insane inmates told us they had not been in the habit of carrying more than one, because it would make her all excited if you carried more.

Q. When you found her there had she apparently been taken out for any purpose — for the purposes of nature, or anything of the kind? A. The room didn't look as though she had been.

Q. Were there any conveniences in the room — a bucket, or anything of that kind? A. No, sir; nothing of the kind.

Q. Well, what did you do with her after what you have told us? Go on from that point. A. We took her down and fed her. First, she would not eat very much. I asked for some milk to give her and some of the other patients who were in a delicate condition. I asked Dr. Lathrop for some and he said I could have some. He went to Capt. Marsh about it. Then I asked and it did not come, and I asked again, and he said they didn't like it because I proposed it, and I didn't get it. Then

I asked Thomas Marsh and he did not give me any definite answer. One day Mr. Sanborn and Dr. Allen came through, and they asked me if we had everything we wanted. I did not like to make any complaint, but I said I would like to have some milk; that was all I had opportunity to say, because Thomas Marsh was there. Soon after they went away, and he asked me what they said, and I told him. He said "Damn it!" That is all he said, but I got the milk that night.

Q. Well, you took charge of this woman, did you? A. Yes, sir.

Q. Did she recover? A. She did. In a short time she was in a very fat and healthy condition, and her own husband did not know her when he came there.

Q. Was she violent? Did she need restraint, like being shut up in a cell? A. No, sir; we never had to restrain her.

Q. Did she live until you came away? A. Yes, sir.

Q. Did you leave her there? A. We left her there.

Q. What was her condition when you left her? A. Healthy and fleshy.

Q. Was there any other person to whom you were called? A. There was a woman by the name of Margaret Hennessy in a lower cell, in the basement; it was a kind of a brick cell, I should think; the walls were of brick, and a cement floor. We found that cell in a similar condition — a very untidy condition. She said she had been in there nine days without anything but water. I don't know as to the truth of that, because she simply said she had been. We asked the patients and they said she had been; they said she had been violent, and was put in there for that. We took her out. Her lips were parched. She did not look very thin. Her face looked kind of drawn or haggard.

Q. You had charge of her afterwards, did you? A. Yes, sir. She was transferred to Worcester after that.

Q. Now, any other instance of any treatment that attracted your attention? A. Nothing, only the condition of the patients. We found them, some of them, without underclothing, and some of them without shoes and stockings.

Q. Well, generally, how were they as to clothing? A. In a poor condition.

Q. Did you change that? A. I went and asked for clothing, and clothed them up as soon as I could get it. There was a great deal of trouble about getting clothing then; and some-

times after I would make out a requisition for a half-dozen — for six dozen dresses, and sometimes more, sometimes I would not get what I ordered. And I went over to see Mrs Thomas Marsh about it, and she always said she gave me what I ordered. But I kept account, and knew she didn't: she said she knew she did. I reported it to Mr. Dudley, as he was head supervisor, and he went down, but did not get much satisfaction. But when I ordered a lot of Mr. Thomas Marsh it always came correct.

Q. Now, did you ever see anything about taking clothes away from the trunks or the trunk-room? A. When we were on the night-watch we noticed that there was a large room filled with trunks and clothing on hooks; when we went away there were but very few trunks there and very little clothing; I don't know what became of it.

Q. Did you ever see anybody carrying it away? A. I saw old lady Marsh one time coming up out of the trunk-room with an armful of clothing.

Q. What was it? A. I did not examine it. It looked like dresses and shawls.

Q. Do you know anything about taking boxes to the railway station? A. No, sir. I do not; I heard of it, but I did not see it.

Cross-examination.

Q. (By Mr. Brown.) Well, Mrs. Dudley, where are you from? A. Danvers, sir.

Q. That is, to-day; where did you come from originally? A. I came from — my home do you mean?

Q. Yes. A. I came from Bath, New Hampshire, and Newbury, Vermont. I have lived in Springfield, Massachusetts.

Q. When did you come from Bath, New Hampshire? A. I was born there. I cannot remember when I came away.

Q. When did you live in Newbury, Vermont? A. I lived there when I was a child; perhaps until I was thirteen or fourteen years old.

Q. When you left there, then where did you go to? A. I went to Corinth, Vermont.

Q. How long did you stay there? A. I don't know; two or three years perhaps.

Q. When did you leave Corinth? A. Perhaps I stayed there two or three years. I left there then.

Q. What was your maiden name? A. Fannie R. Powers.

Q. What was your father's name? A. Matthias Powers.

Q. Any middle name? A. No, sir.

Q. And after you left Vermont, when did you first come to Massachusetts? A. Well, I came to Springfield, Massachusetts, in 1871, I think.

Q. In 1871? A. Yes, sir.

Q. When did you first go to Northampton? A. In 1872, I believe — the fall of 1872.

Q. What did you do in Springfield? A. I lived with my sister.

Q. What was her name? A. Mrs. Stowell — George M. Stowell.

Q. Whereabouts did she live in Springfield? A. They lived on High Street and they lived on Ashley Street.

Q. Can you tell us the numbers? A. Number four Ashley Street; and I cannot remember the number on High Street.

Q. How long were you at Northampton? A. About three years and a half; it might be a little more than that.

Q. You met Mr. Dudley at Northampton? A. Yes, sir.

Q. Did you ever know him before you met him at Northampton? A. No, sir.

Q. Did you ever know Mr. Dudley in Maine? A. No, sir; I did not.

Q. And when were you married? A. I was married in June, 1876.

Q. Any children? A. One.

Q. How old is it? A. Six years old in October.

Q. What did you do at Northampton? A. I was an attendant, and I was assistant supervisor, and I did a number of things; I helped the usher, and I was called upon here and there to do any kind of work that they expected to have me do.

Q. How came you to leave Northampton? A. Well, I left there to be married.

Q. And where did you go from Northampton? A. I went to Winthrop, Maine — I went to Boston first, and stayed there a week or so, and then went to Winthrop, Maine.

Q. How long after you left Northampton was it that you went to Tewksbury? A. I came there in November, 1876.

Q. Did you come there the same time your husband did? A. I did; on the same train.

Q. And you remained there until what time? A. Until July, 1877, I believe.

Q. Now, when you first were at Tewksbury, what did you do? A. I went on the night-watch.

Q. On the night-watch? A. As night watch-woman.

Q. What were your duties as night watch-woman? A. Well, I was not given any.

Q. I did not ask you that, but what they were. A. My duties were to watch the foundlings and to watch the almshouse.

Q. In what part of the building were you? What room, in what part of the building? A. In the large house.

Q. In the same part occupied by Capt. Marsh and his family, was it not? one of the wings? A. Well, the night watch-woman was in the wing that ran out from the common room. Our room where we slept at first was on the fourth floor or upper floor.

Q. Now, Mrs. Dudley, that [a small sketch] is a sort of chalk; that representing the lower floor, this floor is occupied by Capt. Marsh and his family. Were you in this part of the old ladies' ward? A. Here seems to be the watch-room. I watched the old ladies' ward and I watched the other wards.

Q. Now, where were the foundlings? A. The foundlings were down a short distance from the house.

Q. In a building by themselves? A. In a building by themselves.

Q. So that you had to go out of the main building, where the watch-room was — A. Yes, sir; down by the greenhouse.

Q. Down toward the greenhouse? A. Yes, sir.

Q. A little to the left? A. A little to the right, I think.

Q. Well, as you stand in the main building, facing the greenhouse, it would be to the right; and facing the front of the greenhouse it would be to the left. A. We went out of the road something like that, and then turned down to the right and went to the greenhouse.

Q. Where was this store-room that you say you saw Mrs. Marsh coming out of? A. It was down in the basement — front room, I should think.

Q. Basement of what building? A. Under the office.

Q. Under the office? A. Yes, sir.

Q. That is [referring to the sketch], that representing the office, it was under that office? A. Yes, sir. There might be another room that was over that besides the office.

Q. That was the trunk-room? A. That was where it was.

Q. Was it, or was it not? A. I know the office was over it.

Q. How many children were there there, when you first went there? A. I don't remember how many there were. There might have been forty, and there might not have been so many.

Q. Well, how many do you think? A. I do not know as I can give an estimate. We did not count at that time. We commenced afterwards to count.

Q. Those were children who were there to be cared for; for their mothers were not there, were they, generally? A. Not generally.

Q. You don't know anything about how this morphia came there, except what you have said? A. The night nurse said the day nurse gave it to her. That is all that I know about it.

Q. And you did not inquire any further? A. No, sir.

Q. When did you say you reported it? A. I reported it the next morning.

Q. To whom? A. I left a note on Capt. Marsh's desk; and that night I reported it again.

Q. Well, now, Mrs. Dudley, is it not the fact that a great many of those children who came there were children picked up on doorsteps — said to be — and brought there to the almshouse? A. I don't know where they were picked up. I never saw them picked up; I saw them when they were there.

Q. And therefore you don't know, because you never saw them? Well, how came you to know so many things in your direct examination that you never saw? A. What instance?

Mr. Gale. Well, pardon me, Mr. Chairman, I don't think that is a proper question, and I object to it. It is assuming that she has testified to falsehoods without number.

Mr. Brown. Well, I am glad to have you state it so clearly; I should have been more modest.

Mr. Gale. I am only stating your assumption, and not her words.

Mr. Brown. Very well, we will waive that question, and come to specifics.

Q. How did you know it was morphia? A. Well, it tasted like it.

Q. You tasted of it, did you? A. Yes, sir.

Q. Did you see any of it administered? A. I saw a teaspoonful of it administered to a child.

Q. To one baby? A. Yes, sir.

Q. I suppose you had some conversation with this nurse as to where these children came from? A. I might have said I wondered where their mothers were; where they came from; or said I pitied them, or something like that.

Q. Don't remember anything further than that? A. No, sir.

Q. Now, Mrs. Dudley, don't you know, as a matter of common knowledge and talk, that most of the babies that come there to that institution, or at least most of those that you refer to, were babies picked up, left at somebody's doorstep, neglected, and in many cases dosed with morphia before they were left, to keep them quiet? Don't you know that that is constantly taking place with children?—that is, as a matter of common knowledge; I do not expect you to know it because you saw it. A. If you ask my opinion, it might have been done so; but that is no reason why it should have been done again.

Q. Now, which do you think would be the best for a child, apples or morphia? In your judgment, which you so much rely upon, which do you think would be the best for a sick child, apples or morphia? A. Well, I should say of the two I should prefer the apples.

Q. So you administered the apples? A. Yes, sir, I did; not to a sick child, but to the children. Of course the babies could not eat apples very well.

Q. But didn't you say, on your direct examination, that you gave those children apples? A. I said I gave them to children; I did not state their age.

Q. Or whether they were babies or children? A. I said children.

Q. Well, to those children that you say could not hold anything on their stomachs? A. Those were babies, not children.

Q. You didn't give them any apples? A. No, sir.

Q. Now, won't you tell me who gave you authority to give apples to children? A. No one gave me authority.

Q. Why did you give them? A. Because I pitied them. They said they were hungry, and I thought I would give them something to eat.

Q. So you gave them anything you could get hold of? A. Yes, sir; I gave them apples.

Q. Well, now you went on giving things in that way, as

you had opportunity, didn't you, all the time you were there? A. No, sir; not all the time I was there.

Q. Well, nearly all the time you were there? A. When I was told it was not wanted done, I stopped.

Q. Well, when you were found out, and were told it was not proper, then you would stop; is that it? A. Yes, sir.

Q. Now, how many times were you found out, and caught in these matters that you have spoken about? A. I was caught only once.

Q. Only once, and that was with the apples? A. No, sir; it was with the crackers. They never knew I gave the apples.

Q. You succeeded in giving them apples without anybody's knowing it? A. Yes, sir.

Q. But the crackers were stopped? A. Yes, sir.

Q. How long had you been giving them crackers? A. Oh, it might have been three or four weeks, and might have been longer.

Q. Didn't you give them anything else besides apples and crackers? A. No, sir; I did not.

Q. Nothing of the kind? A. No, sir.

Q. Not to foundlings? A. I carried food over to the insane building.

Q. Well, you did give apples to foundlings and children? A. To children. I don't know whether they were foundlings or not.

Q. How large does a child have to be before it is removed from the foundling department? A. I should say about four years old; perhaps there were some younger taken away; I don't remember about that.

Q. Where were they taken to? A. I understood to Palmer; I don't know where they were taken to.

Q. What was the name of this woman that you thought put a pillow over a child? A. I don't know what her name was; they called her Maggie.

Q. How long had you seen her there? A. I have not seen her there. She was there when I went up there. I didn't see her there more than five minutes; it might not have been so long.

Q. Didn't inquire who she was? A. I knew she was an inmate, for I had seen her there several times.

Q. And you didn't tell anybody except Mrs. Burbank about it? A. I told my husband.

Q. And your husband. Anybody else? A. No, sir.

Q. Didn't report it to Capt. Marsh? A. No, sir; Mrs. Burbank reported it to Capt. Marsh, — she said she did.

Q. But you don't know anything about it further than what she said? A. No, sir; I don't know.

Q. Didn't inquire how long this insane woman had been taking care of these children or where she could get access to them? A. They said she had —

Q. Never mind that; I ask you whether you inquired: I will come to what you found out afterwards. A. I asked Mrs. Burbank.

Q. Anybody else? A. No, sir.

Q. Now, when was this about this child and the pillow? A. It might have been in May, and might have been in June.

Q. In what year might it have been? A. 1877.

Q. 1877, May or June? A. May or June.

Q. You sure Mrs. Burbank was there at that time? A. I am sure she was.

Q. Certain Mrs. Burbank was the woman? A. I am certain she was the woman.

Q. Do you know where Mrs. Burbank is? A. I do not.

Q. Now, who was it, you say, told you not to mention it? A. Mrs. Burbank.

Q. Didn't want you to mention it? A. No, sir.

Q. That is, not to mention the occurrence? A. No, sir.

Q. Is that the reason, and the only reason you can give, why you didn't mention it to others except Mrs. Burbank? A. That is the only reason. I saw her come out of the office and I supposed she made her own report.

Q. Now, you talked about these babies that commenced to waste away, and I noticed you said something about their vomiting, — won't you describe, as nearly as you can recollect it, one of these cases where the baby vomited and then wasted away; describe what you saw of its appearance and its habits. A. They commenced to vomit about nine days before they died.

Q. How old were they? A. I could not say how old they were; they were babies.

Q. Is that all you saw; simply that they vomited? A. Yes, sir.

Q. You didn't examine into the cause of the vomiting? A. No, sir; I didn't consider that was my business. There were physicians there for the purpose.

Q. You didn't call the attention of the physicians to it? A. I called the attention of Capt. Marsh to the condition of them.

Q. To the condition of them? A. Yes, sir.

Q. But beyond simply calling the attention of Capt. Marsh to the condition of these babies that you saw vomiting you did nothing else? A. I asked him if I should tell Dr. Lathrop. He told me he was superintendent and he would do his own reporting, so I didn't say anything else.

Q. When did you tell Capt. Marsh that? A. Sometime in the winter.

Q. Of 1876–7? A. 1876–7.

Q. Now, is that all you can recollect in regard to the appearance and condition of these children, of their habits, — simply that they vomited and wasted away about nine days before they died? A. That is all.

Q. That is all you recollect? A. Yes, sir.

Q. You don't know why they vomited? A. No, sir. Well, I had, — I formed my own judgment; I thought their stomach was in a bad condition; I thought, perhaps, because they had been eating cold food and had been neglected at night.

Q. You don't know of any other reason? A. No, sir.

Q. You never examined to see? A. No, sir.

Q. Your curiosity was not excited at all to know what was the matter with these innocent little babies? A. It might have been excited.

Q. But you didn't try to gratify your curiosity at all? A. No, sir.

Q. Simply contented yourself with going around and seeing these sights, and then reporting, as you did, to Capt. Marsh, and talking with Mrs. Burbank? A. Yes, sir.

Q. You spoke of a Mrs. Barker; who was she? A. She was Frank Barker's wife: they had charge of the other part of the insane building.

Q. Now, what did you say Mrs. Barker told you? A. She came in and pointed out the condition of the beds to me; told me they had been in a very bad condition. Mr. and Mrs. Barker told me so.

Q. Both? A. Yes, sir.

Q. Both together? A. They were both together.

Q. Now, you mentioned another lady in that connection and I didn't catch the name; who was that? In connection with Mrs. Barker you mentioned the name of another lady, but I could not hear what it was. A. I think I told you Mr. and Mrs Barker. I don't remember any other lady coming in with them.

Q. Don't remember any other person in that connection. Now, this Mary Barron you speak of, where was she? A. She was in a cell in the upper part of the insane building, right over the supervisor's room.

Q. That is the building further to the rear of the main building, beyond the conservatory? A. It is a large brick building.

Q. Beyond the conservatory, a long brick building? A. Yes.

Q. What department of the building was she in? A. Mrs. Barron, — she was in the room, the cell-room, over the supervisor's room.

Q. And when was that? A. That was when I first went over there.

Q. And when was that? A. 1877; July.

Q. You had a talk with this insane woman and she told you certain things which you have repeated. A. I didn't talk with the insane woman, because she didn't know enough to talk to anybody.

Q. She said nothing? A. No, sir; if I spoke to her she would not answer me.

Q. Didn't you say she complained she hadn't anything to eat? A. No, sir; I said Margaret Hennessy, in the lower cell.

Q. Which one was it you said was fed by this idiotic girl? A. Mary Barron.

Q. Do you recollect what the name of the idiotic girl was? A. Charlotte Taylor.

Q. Had you ever seen Charlotte Taylor before you went over to that insane building? A. Yes, sir; I had.

Q. What had you seen her doing? A. Sitting in the front door when I saw her.

Q. Never saw her doing anything else? A. Not before I went over there.

Q. Never saw her as a sort of general waiter around there, running here and there on errands? A. No, sir.

Q. Nothing of the kind? A. I was asleep in the daytime; I could not very well see her before I was at the insane building.

Q. Now, you reported this matter of Mary Barron to Mr. Marsh, Thomas Marsh, Jr.? A. Mr. Dudley reported it. I reported about the milk to him; wanted some milk for her.

Q. For her? A. For her and some others that were delicate.

Q. Was it any part of your duty to prescribe food for these patients? A. I thought it was my duty to see that they were fed well, fed properly. I was not told.

Q. Were they fed, as a general thing, in the night? A. After I had the care of the insane —

Q. Simply answer me the question; were they fed in the night, — these people you had charge of? A. Do you mean after I went to the insane building?

Q. After you went to the insane building, or before; were they, when in your charge, fed in the night? A. Not that I know of.

Q. Then how came you to want food for them? A. I wanted milk for them in the daytime.

Q. But you were asleep in the daytime? A. I was not asleep when I had charge of the insane building.

Q. Oh, you were not? A. No, sir.

Q. I am glad to hear that. Now, how about this Margaret Hennessy; you say she was in a cell by herself? A. Yes, sir.

Q. Who had charge of her? A. Didn't any one have charge of her.

Q. Just simply locked up in the cell? A. Yes, sir.

Q. What was the trouble with her; what was the matter with her? A. They said she was violent; I don't know what the matter was.

Q. You saw no indications of violence, did you? A. Sometimes she had outbursts of temper.

Q. You think it was nothing but temper? A. I think she was insane.

Q. Now, Mrs. Dudley, you and your husband have compared notes on this matter, I suppose, before you came in here? A. No, sir; I have not seen him but a very little while; he has been away most of the time since this investigation began.

Q. So you haven't seen but a very little of him? A. No, sir.

Q. You knew some three or four weeks ago you were going to be summoned? A. I did not know I was going to be summoned.

Q. When did you first know you were going to be summoned? A. I knew it on the cars between Lynn and Boston; I think it was last Tuesday.

Q. So you had been here before, had you? A. I went to Cambridge with a patient, on business for the Danvers hospital.

Q. And you haven't been here in this room before? A. Yes, I was here Wednesday; I was summoned to appear here Wednesday.

Q. But you and your husband have not talked this matter over at all? A. No, sir.

Q. Not at all? A. No, sir.

Q. Now, how came you to leave Tewksbury? A. Mr. Dudley gave our notice to Capt. Marsh.

Q. Mr. Dudley did? A. Mr. Dudley did.

Q. Mr. Dudley gave your notice to Capt. Marsh that you both intended to leave? A. That is what he told me, and I never caught him in a lie.

Q. That is all you know about how you came to leave Tewksbury, is it? A. That is all I know about it.

Q. All you know about it? A. Yes.

Q. You never had any trouble with any of the officers of the institution? A. I don't know as you would call it trouble; I had a few words with old lady Marsh.

Q. A few words with old lady Marsh? A. Yes, sir.

Q. Now, as the result of those few words with old lady Marsh, didn't Capt. Marsh tell you that your services would not be longer required? A. Capt. Marsh never spoke to me but once after that; that was when I asked him to come and see the condition of the insane building before I left, that I wanted to leave it in a good condition, and he would not come. He said he didn't care to come.

Q. You didn't, under any circumstances, go to Capt. Marsh and his wife and apologize for your conduct and ask to be retained? A. No, sir; but old lady Marsh —

Q. Wait a moment! A. Called upon me and asked my pardon. She made an apology to me for calling me a liar. I never made one to her.

Q. Never made one to her? A. No, sir.

Q. But she did to you? A. She did to me.

Q. Was anybody present when she made her apology to you? A. Dr. Nellie was present.

Q. Doctor who? A. Dr. Nellie Marsh, or Helen Marsh.

Q. When she called you a liar or when she apologized? A. When she apologized.

Q. When was that? A. I was going over to the old ladies' ward to say good-by to them, and I met her on the walk.

Q. But you never apologized to her? A. No, sir.

Q. Never made a request to be retained, with a promise that you would behave yourself in the future? A. I never made a request, because the day I left there I came to the Danvers asylum and went to work.

Q. Never mind that; I want this understood, that you never made a request in writing or otherwise — A. I never made a request.

Q. To be retained in that hospital, that almshouse? A. I never made a request in any way.

Q. Either in writing or otherwise? A. In writing or otherwise.

Q. To be retained? A. To be retained.

Q. Nor did you ever apologize for your conduct toward any of the officers anywhere? A. I never did.

Q. Neither one? A. Neither one.

Q. I want you to state to the committee within what time it was that these seventy-two babies died. A. While I was on the night-watch, I think.

Q. That is from November, 1876; the 18th. A. I don't know whether it was the 18th. I went there; it was sometime before Thanksgiving.

Q. Your husband, I think, testified he went there on the 17th, and, as you went on the same train, you probably went on the same day. A. I might, but I am not positive about the date.

Q. We will assume that is the date. From November, 1876, to July, 1877, when you went to the insane department, you say that seventy-two babies died there, out of seventy-three which were brought there. Is that correct? A. I should say it was; yes, sir.

Q. And you want the committee to understand that you are positive about that, that you recollect about it, and that there is

no guess-work about it; is that it? A. I can't think, — but I might have made a mistake (I think we are all liable to); but I think I am positive about it.

Q. You think you are positive about it? A. Yes, sir.

Q. That out of seventy-three babies brought there, seventy-two died? A. Yes, sir.

Q. Were these seventy-three babies the only babies that were brought there during that time? A. There might have been more, and there might not have been.

Q. How do you get at the seventy-three; how do you select seventy-three?

Mr. Gale. Pardon me, she said "about."

Mr. Brown. She says, on cross-examination, there were seventy-two, out of the seventy-three babies brought there, that died.

Mr. Gale. I beg your pardon; she has not said that.

Q. What did you say? A. I say I can't say but I might have made a mistake.

Q. That is, might have made a mistake as to whether it was seventy-two that died out of seventy-three or less? A. Yes.

Q. But there were seventy-three babies there? A. I think so.

Q. Out of which a large number died? A. Yes, sir.

Q. Now you say there were other babies there, and I want to know how you get at this group of seventy-three. A. I can't think —

Q Were these seventy-three all there at one time or at different times, or how did you get at it? A. I never saw, I don't think, over forty there at one time, of the children, the foundling children.

Q. Do you know how many babies there were brought there from the 18th of November, 1876, to July, 1877, when you went over to the insane department? A. I told you I had an idea there was seventy-three; there might have been less.

Q. Do you mean seventy-three in all that were brought there? A. That were there when I went there and was brought there; I think there was about that number.

Q. Don't you know that there were a great many more than that? A. I don't know.

Q. You don't remember. A. I am not positive about it.

Q. Don't you know that there were more than one hundred

and fifty brought there during that time? A. I am not positive with regard to it.

Q. Should you be able to say with a good deal of confidence that there were not one hundred and fifty babies brought there during that time? A. I should not state, when I am not positive about it; I should not want to make a statement.

Q. You should not want to make a statement on that, but you are willing to make the statement about the seventy-two, although you are not positive; is that it? A. Yes, sir, because I can't think —

Mr. BROWN. That is all.

Q. (By Mr. GALE.) I want to know if you are the Fannie R. Powers who is referred to in this letter of recommendation that was given at Northampton? A. I am.

Q. And you are the Mrs. Dudley — it does not give the full name — who is mentioned in this letter of recommendation from William M. Lathrop, resident physician at Tewksbury, and dated June 11, 1878? A. I am.

Q. (By Mr. BROWN.) I want to ask you one more question. Was your husband ever in the Maine lunatic hospital at Augusta? A. Yes, sir.

Q. Was he discharged for drunkenness? A. I don't know.

Q. You don't know. A. No, sir; that was when I was quite a small child.

Q. (By Mr. CHAMBERLAIN.) I would like to ask you if you knew what your husband testified to? A. No, sir.

Q. Have you seen — A. I have read the papers; he didn't tell me.

Q. You have seen the papers? A. I have read the papers very hurriedly, because I have been busy, and haven't had time to read all the testimony.

Q. Did you read his testimony? A. I read the most of it.

Q. So you know what he testified to? A. Yes, sir.

Q. (By Mr. MELLEN.) How old were the children you gave the apples to and the crackers? A. They may have been three or four years old; somewhere along there.

Q. They were able to talk? A. Yes, sir; they were able to talk, and thanked me for them.

Q. Any of them tell about their being hungry? A. Yes, sir.

Q. Tell when they had last had food? A. No, sir.

Q. Mention that they had had only milk and wanted sub-

stantial food, wanted crackers or bread? A. The children never did; no, sir; their mothers told me they wanted crackers, and I got them for them.

Q. (By the CHAIRMAN.) Did you give the name of the nurse that instructed you when you first went there? A. Mrs. Elliot; she was the night watch-woman: she was not a nurse.

MRS. MINA A. DAVIS (*sworn*).

Direct examination by Mr. Gale.

Q. Give us your full name, Mrs. Davis. A. Mina A. Davis.

Q. Where do you reside? A. Lawrence.

Q. Lawrence, Massachusetts? A. Lawrence, Massachusetts.

Q. Were you at the Tewksbury almshouse at any time? A. I was there from July, 1878, till August, 1879.

Q. In what capacity? A. Night nurse in the hospital.

Q. Now, what were your duties there, if you will give them, generally. A. I went on duty at seven o'clock. The day nurse gave me the outline of the cases of the patients during the day, and I had the care of them through the night, to see that they were properly cared for, their medicines given, and the ward was kept quiet.

Q. Now, I want to call your attention to some specific matters. Was there at any time a woman in your ward laid out and taken away very soon afterwards — one that you had doubts about, as to her being dead or alive at the time? A. There was a woman, Lizzie — Cannon, I think her last name was — died suddenly, to me, for, when I left her at seven o'clock, she was sick, to be sure, but not dangerously ill, and when I went on duty at seven o'clock she was just dying. I left her at half-past five in the morning.

Q. You left her at half-past five in the morning? A. Yes, sir.

Q. And at seven o'clock the same afternoon you went on duty and found her dying? A. Yes, sir; and she died between seven and eight, and was immediately taken out.

Q. Did you see her so as to examine her? A. I saw her: helped lay her out, and helped put her in her coffin.

Q. And she was taken away at once, you say? A. Yes, sir; I would not say the woman was not dead, but the circumstances was very peculiar.

Q. Why; in what respect? A. Well, she looked — she was warm; her body was warm, and particularly under her arms; and I thought, perhaps, if she was left a little longer it would be more humane.

Q. Was there anything said about it at the time? A. Nothing. I had nothing to say, because it was not on my time, exactly. The remark was made,— one of the nurses remarked, — "Well, keep still; you can't help it."

Q. (By Mr. Mellen.) Was the body warm when you put it in the coffin? A. Yes, sir; that is what I said.

Q. (By Mr. Gale.) Do you know who that was that said, "Keep still; we can't help it." A. It is a dead witness.

Q. Do you know her name? A. Her name is Sadie Durning; it is a dead witness, however.

Q. Now, did you ever know a woman by the name of Kate Furry? A. Yes, sir.

Q. When did you know her at the institution? A. I roomed at the insane building. Mrs. French was the matron at that time, and I saw her when she was brought in; she was immediately, or, in a day or two, Mrs. French reported that she was, too sick to be there, and ought to be in the hospital for better food.

Q. That in the hospital where you were? A. Where I was. They removed her over there, and she was there from that time till she was removed to the lying-in room where her child was born. I can't tell you how long she was at the lying-in room; a short time, and then she was brought back to the hospital in brain fever, and remained there till she died.

Q. When did she die? A. I can't give you the dates, sir, but she died at twenty minutes past eleven.

Q. At night? A. At night; yes, sir.

Q. Was she laid out? A. She was laid out.

Q. Where? A. In a room that leads off the kitchen, directly over the office.

Q. Did you see that body afterwards; and, if so, how long afterwards; about what time? A. I saw that body till half-past five in the morning.

Q. Was there anything about it, particularly, that called your attention to it? A. Well, the hospital was overrun with rats the whole of my time there, up to that time, and — I suppose what you want me to tell is that the rats disfigured the body?

Q. I want to call your attention to the fact whether you saw this body at about one o'clock, — any time in the night? A. Yes, sir, I did.

Q. Whether you saw any rats upon it? A. Yes, sir, I did.

Q. Where were they? How many of them? A. I didn't count them; it would be impossible to, sir.

Q. Pretty thick in that ward, were they? A. Yes, sir.

Q. They were upon the body, were they? A. Yes, sir.

Q. What did you do? A. I could not very well watch rats and sick patients, also, so I put my night-woman — an insane woman; I don't remember her last name, her first name was Bridget — to see that the rats were not on the woman. Every few minutes during the rest of the night — well, I may have been a half-hour away at a time — I went to that room, and this night-woman must have got asleep, and during that time the rats must have got at her body.

Q. Did you see her towards morning? A. Yes, sir, I did.

Q. Go on in your own way. A. Then I will begin. We laid her out; got her laid out about twelve o'clock. At one o'clock, Bridget and I had our night supper; then was the first I noticed the rats were at the body. Then I told Bridget, — I think, I won't be positive, but I think I went up to the head nurse, Mrs. Lizzie McKenna, and asked her what I should do. She says, "Put Bridget in there." Mrs. McKenna was head nurse in the hospital over night and all. I think I went to her, and she says, "Put Bridget to watch;" and I did, but Bridget got to sleep, and during that time the rats got at her face. They ate this eye, this cheek, here, and her neck. [Indicating the left side of the head.]

Q. When did you discover that? A. I didn't discover that, because the room was dark and I took no light in, till between four and five I went there and told Bridget to go about her morning work, and I would tend her. Then I went and turned the sheet down over Kate's face, and I saw how the face was.

Q. Now, will you describe that again, please? A. The eye, the face here, the ear and the neck on this side [indicating the left]; for the simple reason, this side lay next to the steam-pipes, and the rats came up from the cellar on the steam-pipes that ran alongside of the bed.

Q. What was it they had done to the eye? A. Eaten it all out.

Q. How much of the ear? A. I could not be positive about that.

Q. Or the cheek? A. Oh, the cheek was badly eaten, and the neck was eaten; I could not tell you how much.

Q. Did you say anything about that? A. I reported it at once.

Q. Who to? A. I can't be positive whether Dr. Lathrop or Dr. Foster was the attendant physician at that time in the year; whichever one it was, I reported it to. I think it was Dr. Lathrop, but I cannot be positive.

Q. Did you have any talk with Mr. Marsh about it afterwards? A. No, sir.

Q. Capt. Marsh? A. No, sir; Capt. Marsh never mentioned it to me, only that I had better keep still about it.

Q. That is what I mean. Did you have any talk with him when he said that if you told about the rats it would be as bad for you as him, or go as hard with you as with him? A. That remark was made.

Q. Who by? A. Capt. Marsh made the remark, so I was informed.

Q. You didn't hear it? A. No, sir; but it was told me.

The Chairman. Don't tell what you were told.

Q. Now, I want to know if you, at any time, called Dr. Lathrop to one Mrs. Messenger? A. When I went on duty at seven o'clock one night, I found Mrs. Messenger complaining of a pain in her stomach, and cold. When Dr. Lathrop came around, between eight and nine, I think it was, I told him of it, and told him to go and see her, but he did not. He simply left an order for the woman, of paregoric, — I won't be positive whether it was one or two teaspoons,— and a mustard paste. I immediately did as he ordered, and put Mrs. Messenger to bed, covering her up thoroughly, and getting her warm. At twelve o'clock she was awake; at one o'clock she was awake; at two she was asleep, or between one and three, I won't be positive as to the minute. I went down about three o'clock and put my hand on her, and she didn't answer. She was warm. At four o'clock, when Bridget went around to do her work, I went down, and Mrs. Messenger was dead.

Q. How long had she been sick? A. Well, she was an invalid; anyway she was an old lady, in her eighties, and used to keep her bed.

Q. You called Dr. Lathrop? A. Yes, sir; I informed Dr. Lathrop.

Q. And he didn't come? A. He did not come.

Q. But prescribed something? A. Prescribed something.

Q. Now, do you remember at any time when a child some two years old died there with syphilis? A. I remember a child that was in this room, what we called the isolated room, — they said it was syphilis, because its head was badly diseased, and its head was in a very bad condition, having vermin and maggots, I should say, under the scalp, where it hadn't properly been attended. At the time they had a private investigation, I remember, and they kept that from me as much as they could.

Q. You saw that yourself? A. I saw that myself.

Q. Did you see the maggots under here? [Referring to the head.] A. I did; yes, sir.

Q. Could the scalp be lifted up? A. Yes, sir.

Q. Was it in an entirely diseased condition? A. Yes, sir; I saw it on my night-work.

Q. Did that child die? A. Yes, sir.

Q. About how old was it? A. I could not tell you; I should say between one and two.

Q. Do you know its name? A. No, sir; the names I don't know very well, only being on nights.

Q. Now, I want to ask you, old lady Marsh, as she has been called here, she was the matron there? A. So I have been told.

Q. How often did she used to come around to see the sick in your department, where you were? A. I could not tell you, sir.

Q. Have you any recollection about it? A. Well, I never saw her, being on duty only nights; but I have heard very seldom.

Q. Did you ever hear any complaint when inmates went away that they could not get their clothes? A. Oh, yes, sir; that was a common complaint there.

Q. What was the nature of the complaints you heard? A. "Mrs. Davis, look at this dress! I put a nice dress into that baggage-room; now look at this!" — such as that; shawls, hats.

Q. You say that was frequent; how frequent do you mean?

A. When the patients would go out, you know, and want their clothes.

Q. Whether it was a common thing? A. It was a common thing. When anything was said to me it was always said that way. I saw one dress, — if the woman told the truth it was certainly a poor substitute for the one she put in.

Q. How about Tom Marsh; did he use to be about these wards much? A. Yes, his duty called him over there a good deal.

Q. Did you see him there at night? A. Frequently.

Q. How late? A. Well, I didn't always time him, sir.

Q. About how late should you say? I mean any special occasion, now? A. Well, the latest I ever saw him there was between twelve and one o'clock one night; he went down through my ward one night, and I asked him if he didn't think it was a pretty time, — I was a little vexed, to be sure, — for the assistant superintendent to be going through the sick-ward. He said it was all right, and passed on.

Q. Did you ever see him in there helping about the dress-making in any way? A. Well, sir, my duty was in the ward, not in the nurses' room.

Q. Did you ever see him helping any of the nurses in any way? A. He never helped me, sir.

Q. Anybody? A. I think he was pulling bastings out of a dress one night.

Q. In the female ward? A. Yes, sir.

Q. Who did you have, if any assistant there, Mrs. Davis? A. An insane patient.

Q. Anybody else? A. No, sir.

Q. And about how many patients did you have under your charge? I suppose they varied, but give us the average. A. Seventy-five and six was the usual amount, women and children.

Q. With one ailment or another, one disease or another, — they all had to have your care, what you could give, and the assistant? A. Yes, sir.

Q. And in the daytime, — do you know what the help was then? A. There was three nurses, the head nurse and two assistants, and outside help the same as me, insane and others.

Q. (By Mr. Murphy.) Who was it told you that Capt. Marsh had said it would be as bad for you as for him if the information came out about the rats? A. Mary McKenna.

Q. An inmate? A. No, sir, a nurse.

Q. Did she say she got the orders direct from Capt. Marsh? A. She says this to me, word for word, "Mrs. Davis, Capt. Marsh thinks it would be well for you to keep still, as it would hurt you as much as him."

Q. And you looked upon it in the light of an order from Capt. Marsh? A. Yes, sir; I did.

Cross-examination by Mr. Brown.

Q. And you did keep still, did you? A. I kept as still as this, sir: I reported it to Dr. Lathrop.

Q. Never told anybody of it since? A. I think very likely I have talked with my husband about it.

Q. Your husband living? A. He is; yes, sir.

Q. Where do you live? A. In Lawrence.

Q. Whereabouts in Lawrence? A. Well, sir, I room on Jackson Street, take my meals on Methuen, and work on Washington.

Q. Now, give us the numbers on each one of these? A. Jackson Street is 89, Methuen Street is 81, and I believe the Washington is not numbered.

Q. How long have you lived there? A. It will be four years in August since I first went there to work.

Q. Always lived at this place? A. No, sir.

Q. What other places have you lived at? A. Holyoke.

Q. Holyoke, Mass.? A. Yes, sir.

Q. When did you live in Holyoke? A. I left Holyoke in 1878 and came to Tewksbury.

Q. What name did you go by in Tewksbury? A. Richards.

Q. What was your full name? A. Mina A. Richards.

Q. How long did you live in Holyoke? A. I was born there, sir.

Q. You came from Holyoke to Tewksbury, and went from Tewksbury to Lawrence? A. Yes, sir.

Q. Only lived in those three places? A. Oh, yes, sir; I have been around in different places.

Q. Such as what? A. Northampton, Easthampton, Deerfield, Springfield, — various places: I don't remember any more just now.

Q. What did you do in Springfield? A. I simply visited there a week or two.

Q. Have you ever carried on business? A. No, sir.

Q. Never have? A. No, sir.

Q. How came you to go to Tewksbury first? A. Simply wanted a situation there, and wrote for it and secured it.

Q. Had you ever been in charge of the sick or insane, or anything of that kind, before? A. Yes, sir.

Q. Where? A. I worked at the Northampton insane asylum fourteen months.

Q. From what time to what time? A. Well, I don't remember; it was, let me think, — well, I think it was in 1874–5; I think, but I would not be positive. It was along there somewhere, in that vicinity.

Q. Ever been at any other institution? A. I was at Concord two weeks.

Q. Concord, New Hampshire? A. Yes, sir.

Q. Two weeks when? A. That was about six years ago, now; no, a little later. It was in November; six years ago last November.

Q. In 1877? A. Yes, sir.

Q. Any other institution besides Concord and Northampton? A. Yes, sir; Tewksbury.

Q. These three are all? A. Yes, sir.

Q. Now, Mrs. Davis, who had to do with the laying out of this woman you have spoken of except yourself? A. A woman by the name of Duffy, and my night help, Bridget.

Q. You laid her out? A. Yes, sir.

Q. Where was she laid out? A. She was laid out in this room that leads off the kitchen, called the isolated room.

Q. And who took her out of that room, do you know? A. I could not tell you, sir; Tim, probably.

Q. Now, Mrs. Davis, I want you to tell the committee whether you meant by your testimony to insinuate that that woman was taken out of that room before she died, or was laid out before she died? A. I beg your pardon, sir, I made a mistake in the woman; I thought you meant Kate Furry.

Q. You spoke of a woman who was laid out, and you say she was warm? A. Lizzie Cannon.

Q. Now I want to know if you meant to insinuate that that woman was laid out before she was dead? A. I didn't mean to insinuate anything, sir; I simply say she was laid out before she was cold; the breath had hardly left her body. That is what I mean to say.

Q. And you helped do it? A. I helped to do it.

Q. You didn't consider that your participation in it was anything improper, did you? A. No, sir; for I was hired by Capt. Marsh to do that work.

Q. Capt. Marsh ever tell you to lay out the dead before they got cold? A. No, sir; certainly not.

Q. Never did? A. He never told me not to, either.

Q. Then, if you did it, you did it on your own motion and without his knowledge, didn't you? A. I helped to lay out the dead; that was what I was hired to do.

Q. If you laid out that woman before she was cold, you did it on your own motion and without his knowledge? Answer yes or no. A. I can't answer you that, sir, because I was under another person's authority at that time, the head nurse.

Q. You can answer whether it was done without his knowledge, can't you? A. We don't go to Capt. Marsh when we lay out patients.

Q. I don't suppose you did. A. Why should we go with that one, then?

Q. Now, won't you tell me whether that woman was laid out with the knowledge of Capt. Marsh? A. I didn't report to Capt. Marsh; whether any one else did, I can't answer you.

Q. You don't mean to insinuate there was anything improper about it? A. I don't mean to insinuate anything; I have simply said.

Q. Did anybody else, during that night, have charge of that room where you say that woman was whose face was eaten by the rats, except yourself? A. I told you Bridget did.

Q. And she was under you? A. She was under me.

Q. So that with the exception of you and Bridget no other human being in that institution had charge of that room that night? A. Yes, sir.

Q. Who else? A. No, sir, rather.

Q. Then, if that body was disturbed by the rats, please tell the committee why you were not responsible for it? A. I could not very well watch rats and seventy-six sick patients at the same time. I was not employed to watch rats.

Q. So it was more congenial to your feelings to look after the sick patients and let the dead be gnawed by rats; isn't that it? A. Do you, — excuse me for asking the question, — do you consider an insane woman a suitable nurse over seventy-six sick patients?

Q. No, I don't; and that is the reason I ask you why you

put her there. A. I didn't; I put her over the one which was likely to be gnawed by the rats.

Q. Did you undertake to call anybody else that night? A. Did I undertake to call?

Q. Yes. A. If I had undertaken it, sir, I should have called them.

Q. Now, if you will be kind enough to get over being smart and answer my question, did you undertake to call anybody else that night? A. I called, as I told you, the head nurse.

Q. Anybody else? A. No, sir.

Q. Who was the head nurse? A. Mrs. Lizzie McKenna.

Q. And nobody else? A. That is what I said.

Q. Reported it in no other way to anybody? A. Certainly; I put it in my report in the morning, when I made it out.

Q. In the morning, but not in the night? A. I don't, as a usual thing, make my report out till I go off duty.

Q. What time in the night was it when you called the head nurse? A. I can't tell you; some time after I knew the rats was disturbing the body.

Q. What was her name? A. Whose name?

Q. The head nurse's name? A. Lizzie McKenna.

Q. Was she on duty that night? A. Certainly she was not.

Q. But she was simply at her sleeping-room? A. Yes, sir.

Q. And you went to her sleeping-room and called her? A. Yes, sir.

Q. Where was her sleeping-room? A. It was over the children's hospital, — I think that is what they called it, — right there in the ward, up stairs.

Q. The same building? A. Yes, sir.

Q. This was in one of these wings of the building which was occupied by the Marsh family? A. No, sir.

Q. Where was it? [Plan handed witness.] A. It is not there at all.

Q. Now, have you stated to the committee all that you did during that night, all the effort that you made to protect that body? A. I think I have; yes, sir.

Q. (By Mr. Mellen.) To make clear, Mrs. Davis, the matter of one nurse, — the counsel asked you questions and, as I understood, he would have us infer you were responsible for the putting of this incompetent person over this woman; had you anybody else at your disposal? A. No, sir. I had often

asked, when I had a hard ward, for more help, and got that as I did everything else I asked for. [Sarcastically.]

Q. (By the Chairman.) Do you think there was any excess of attendants at the almshouse at that time? A. I do not; no, sir.

Q. You don't think there were too many? A. No, sir; I do not.

Q. Mrs. Davis, have you ever cared for sick persons outside of institutions? A. Yes, sir; for four years.

Q. Have you had charge of dead bodies, of the laying out of dead bodies? A. Yes, sir.

Q. Do you know whether it is a very common thing for rats to attack a dead body if not closely watched? A. Well, sir, it depends on the disease a good deal.

Q. But it is a common thing, isn't it? A. It is a common thing if they can get there: but nothing but wharf rats, those larger rats; the small kind will not.

Q. (By Mr. Putney.) Was it usual for you to have charge of dead bodies? A. I had the charge of them if they died on my time, with the help of this Mrs. Duffy, — she was a pauper, — and night woman.

Q. (By Mr. Mellen.) Now, about the peculiar circumstances that you mentioned in your direct testimony; if you thought the circumstances were peculiar about the laying out of that woman, why didn't you object; why didn't you protest against putting her in her coffin when warm? A. Well, sir, it was not my business; I was under the head nurse at that time; it was not my business. If I had had the charge of that woman and it had been on my time, it would have been different.

Q. Then, if I understand you, some one made you do it? A. Nobody made me do it, but I helped her about it.

Q. Told you to, asked you? A. I helped; there was no compulsion.

Q. Who was it? A. Mrs. Sadie Durning.

Q. She was overseeing the work? A. Yes sir, she was, because she was day nurse. If a patient died, it was customary to get the body out, if we could, before the half-past eight bell rang, because it disturbed the other patients, the nervous ones, to have a dead body in the ward.

Q. Now, have your patients ever been troubled with rats? A. Yes, sir; many and many a time.

Q. Any of them been bitten? A. Not that I know of, on that point.

Q. But they have got onto their bed-clothes? A. Yes, sir; they have come down the kitchen stairs and run across my lap, many a time, as I have sat at the table.

Q. Any efforts made to clean them out? A. I can't honestly say there was till this case occurred, and then they were effectually stopped. I can't say there was any effort.

Q. You mean this affair of Kate Furry? A. Yes, sir; then it was stopped.

Q. (By the CHAIRMAN.) Then it was stopped? A. Yes.

Q. Do you know of anything of the kind since? A. No, sir, I don't know anything about Tewksbury since I left.

Q. (By Mr. MELLEN.) How long did you remain after that case? A. I can't tell you.

Q. Give it approximately. A. I think I might four or five months; but I can't say.

Q. So that during the next four or five months the rats didn't trouble you? A. I had a comfortable ward.

Q. Did you get any assistant other than the insane woman? A. No, sir; and she was no assistance, because she slept all the time.

Q. (By Mr. WOLCOTT.) In your experience in laying out bodies, how long a time is it customary to allow to elapse before you lay them out after death? A. I usually let them get cold.

Q. Is that your constant practice? A. Yes, sir.

Q. (By Mr. MELLEN.) But in this case you did not? A. No, sir; but remember this case was not under my supervision.

Q. (By Mr. PUTNEY of the Committee.) You say you had only one assistant during the night-time? A. I only had this insane woman.

Q. And in the day-time they had two or three? A. They had three; head nurse, two assistants, and some outside help.

Q. That is because there was not so much to do in the night as day? A. Yes, in the night there was nothing to do but watch, and give them medicine.

Q. Was it frequent, while you were there, that there were dead bodies in this room? A. There was a room that they called the dead-room that we laid the bodies out in, and the rats didn't get in there; but this was in the isolated room, because the woman was unconscious, out of her head.

Q. On former occasions you had made a practice of going into this room to see the bodies? A. Yes, sir; always, sir.

Q. And you treated this particular case the same as others? A. Yes, sir, for the simple reason, — if I could have stayed there and watched it; but I could not.

Q. You didn't know that there was any occasion to stay there till you discovered the rats? A. Not till I discovered the rats at the body.

Q. And then you put your assistant there? A. Did the best thing I could do.

Q. (By Mr. Gale.) You think you left there in August, 1879? A. I think it was the fifteenth of August, 1879.

Testimony of William Driscoll (*sworn*).

Q. (By Mr. Gale.) William Driscoll — is that your full name? A. Yes, sir.

Q. Where do you reside? A. At Tewksbury.

Q. How long have you been living there? A. Nine years — nine years the 21st day of June.

Q. What has been your occupation? A. Station agent of the Boston & Maine Railroad.

Q. All this time; for nine years? A. Yes, sir.

Q. I want to know, sir, if at any time you saw Joseph Chase loading bodies into the wagon at the dead-house at Tewksbury? A. Yes, sir; I considered they were dead bodies. He took them out about eight o'clock, — a little after eight o'clock. Four years ago.

Q. What did he do? A. He dropped down to Mary Manning's barn. I wanted to see Mr. Chase that evening, and after he loaded them, I went ahead, and got most to the barn when he dropped up. Chase, he went in; Mary Manning came out with a lantern and asked him how many he had, and he said two; then she came around to the end of the wagon to look. Before I would be seen I went away.

Q. What time? A. It would be half-past eight, probably, before they got down to the barn.

Q. You used to go to the institution, didn't you, occasionally? A. Yes, sir.

Q. Did you ever see any woman there tied to a stake? A. Yes, sir.

Q. When was that? A. That would be, — oh, I should say, most three years ago, to the best of my knowledge.

Q. Well, tell us about it. A. She was on a settee, down in the cellar, in the basement, and she was tied, as I understood, with some kind of fastenings.

Q. Well, you saw her, didn't you? A. Yes, sir.

Q. Were her hands tied, or her feet? A. She was tied right across here [the waist], I should judge. She was sitting right in water.

Q. Filth? Excrement? A. Yes, sir.

Q. How long had she been there? A. This was in the afternoon when I was there, and one of the matrons told me it was a commonly known thing that she would do the same thing every day. She was a poor old woman, and it looked rather bad to see her around there.

Q. She sat there, did she, showing you, from your observation, that she sat there to answer the calls of nature and all that? A. Yes, sir.

Q. Did you notice anything about her dress? A. She was in just calico, — a calico dress.

Q. Have you ever had any talk with a pauper about stockings? A. Yes, sir.

Q. What was it?

Mr. Brown. Wait one moment.

The Chairman. What is that, Mr. Gale? I think that is descending to a pretty fine thing. I don't believe I would go into that.

Mr. Gale. The question is asked whether he had had any talk with any of these paupers about some stockings. I am not so instructed that I can say, in good faith, that this will be followed up, although I presume it is to be. This is what I understand the fact to be: that he saw a pauper at one time who had got twenty-seven pairs of stockings which, I think, he had stolen from the almshouse.

The Chairman. What would that amount to if spread upon this record, — that a pauper had said so and so?

Mr. Gale. It would only be preliminary to proving something else.

The Chairman. I suppose you can bring a thousand that would say something of that sort.

Mr. Mellen. Well, if paupers are truthful people, I think their evidence should be taken.

The Chairman. Let them be brought here.

Mr. Mellen. Yes, sir.

The WITNESS. I should like to state to the committee just about it.

Mr. MELLEN. I think just as irrelevant matter has been introduced by the other side, or at least questions have been asked that caused fully as much delay.

The CHAIRMAN. Perhaps we shall get over it quicker to let it in than to discuss it.

Q. (By Mr. GALE.) Was this a pauper who was there at the institution at the time? A. Yes, sir.

Q. Now, as the chairman says it may go in, please tell us about it? A. The most I ever saw him have — it was about five years ago —

Q. (By Mr. WOLCOTT.) What was his name? A. I think it was Sweeney.

Q. Do you know his first name? A. No, sir, I do not; and I don't know whether he is there or not. I have not been there lately.

Q. Do you know whether he is living now? A. I could not tell you.

Q. You don't know anything about it? A. No, sir; I saw him last summer.

Q. What month? A. It was in the summer months.

Q. You don't know anything about him, now, nor his name?

A. No; but I can find out. Well, he would go once in two weeks and once a week, regularly, for most two years; and the largest amount of stockings that I saw him have, he had twenty-seven pairs; and the least I saw him have it was seven pairs. And he wanted to know — he passed up the platform, and he wanted to know if I wanted some. He wanted to show me. There was some company in the depot and so I went into the baggage-room. He had a coat sewed down, so, with great pockets, and he was pulling them out for a great while. And I asked him where he got them, and he said he got them down at Tewksbury. He said there was a man there by the name of French Joe who divided the money with him, and he could get all the stuff he wanted.

Q. (By Mr. MELLEN.) How often did you see him with his stockings? A. He would go regularly once a week, or once in two weeks, and I should think for most two years.

Q. Go where? A. He used to go to Lowell.

Q. From Tewksbury? A. Yes, sir; and he used to get drunk, and go down to the institution.

Q. You have seen him with twenty-seven pairs? A. Yes, sir; and I say the least I ever saw him have was seven pairs.

Q. Did you ever see him bring any back? A. No, sir.

Q. (By Mr. MURPHY.) Was he an inmate? A. He was.

Q. (By Mr. WOLCOTT.) How many times did you see him? A. Well, when I would not buy of him I used to see him passing by, and I used to notice and watch him, because I had my ideas about things.

Q. You used to buy them? A. No, sir; but when he passed by I used to notice him, because he had to go up by my place.

Q. (By Mr. GALE.) Was there any one else? A. Yes, sir; a man by the name of James Miller, a section man on the branch; and I understand he wanted him to buy them, and he didn't know whether he should or not.

Q. (By Mr. MELLEN.) What did he ask? A. He had twenty-seven pairs, and he wanted fifty cents. He said that when he got them out he could not get them back very well, and he would dispose of them for cost.

Q. Fifty cents for the lot? A. Yes, sir.

Q. Did you ever see him with anything other than stockings? A. I saw other men — I know one man.

Q. Well, this man? A. No, sir; I did not.

Q. Did you see other men with a lot of goods at different times? A. I have seen them trying to sell shoes, pants, coats and underclothing. I think to an amount between forty and fifty dollars he had sold, he said. His name was Hugh McDermott.

Q. Another man? A. Yes, sir.

Q. An inmate? A. Yes, sir.

Q. When did this occur? A. About two years ago. He was a good, strong, able-bodied man, and I asked him why he stayed in there. He said he could make just about as much, and could get these chances.

Q. Who did he get these chances from? A. He said from French Joe, a man who keeps a store there.

Q. He gave them goods to sell? A. And they would divide.

Q. He would give them goods to sell, and divide the profits? A. Yes, sir.

Q. Is he there now? A. French Joe? Yes, sir; and the other fellow is.

Q. McDermott is there? A. Yes, sir.

Q. Is this man who had the stockings there now? A. I could not say; I work Sundays, and I don't very often go over.

Q. When was the last time you saw him? A. The last time would be about two years ago.

Q. (By Mr. WOLCOTT.) You understood those goods were stolen? A. Yes, sir; he told me so.

Q. Did you report it to Capt. Marsh? A. No, sir; I thought Capt. Marsh should know that himself.

Q. You went up there frequently? A. Yes, sir.

Q. But never reported? A. No, sir; I did not consider that a man could steal twenty-seven pairs of stockings and they not be missed; and I should judge he was stealing, all together, about three hundred pairs.

Q. You never reported it? A. I never reported it; never considered it my business.

Mr. LEARNARD. This man, I suppose, was one of those that Mr. Mellen referred to as being truthful?

Mr. MELLEN. I didn't say anything of the kind.

Mr. LEARNARD. I understood you to say —

Mr. MELLEN. I asked the chairman if it followed that because a man was a pauper he was a liar. I did not state that he was truthful.

Mr. LEARNARD. You put it in that way.

Mr. MELLEN. I asked the chairman if, because a man was a pauper, or poor, he was necessarily a falsifier.

Mr. LEARNARD. Well, he started out with the assertion that the man had stolen goods, and you put it in that the testimony should not be excluded because the man was a pauper.

Mr. MELLEN. Well, I wanted the chairman not to start out with the idea that because a man was a pauper he was a liar.

The CHAIRMAN. You don't mean to insinuate that I made any such remark?

Mr. MELLEN. No, sir.

Q. (By the CHAIRMAN.) You say that when he came back he was drunk? A. Yes, sir.

Mr. GALE. I find myself in rather a strange position, if your Honor please. These three very brief cases of testimony were given to me with the assurance that there was no doubt but what they would take the whole forenoon, and I supposed they would; consequently I am now without witnesses, and must throw myself upon the forbearance of the committee.

Mr. LEARNARD. There is no session of the House this morning, and we can sit until one o'clock.

The CHAIRMAN. Mr. Brown, have you any evidence with which you can fill up the time?

Mr. BROWN. I have not any witnesses with whom I could go on this morning.

[Adjourned until Tuesday, April 10, at 9 A.M.]

SEVENTH HEARING.

TUESDAY, April 10.

The committee met in the Green Room at 9 A.M., Senator LORING of Worcester, in the chair.

The CHAIRMAN. A quorum of the committee is present, and we are ready to proceed.

TESTIMONY OF JOSEPH H. CHASE (*sworn*).

Direct examination by Gov. Butler.

Q. Your name is what, sir? A. Joseph H. Chase.

Q. What is your age, sir? A. Twenty-four years of age.

Q. When did you first go to work at the Tewksbury almshouse? A. Last June — the first day of last June.

Q. Where did you work before that, — next before? A. Miss Manning's.

Q. How long did you work there? A. I worked there from 1879; from June, 1879, the 29th, until the 28th of May, the following year — three years.

Q. You worked there three years. Did you go from there to work at the almshouse? A. Yes, sir.

Q. Miss Manning is the person that lives close by? A. Yes, sir.

Q. Was your father at work at the almshouse at the time you were working for Miss Manning? A. Yes, sir.

Q. How long did he work at the almshouse after you went to work for Miss Manning? A. I could not say, sir.

Q. Some time? A. Yes, sir; I should judge six months, if not more.

Q. What was your business at Miss Manning's? A. Take care of the two horses, the cow, and do the business she had to do there in the winter.

Q. What was that other business besides taking care of the

horses and the cow? "To do the business she had to do there," — what was that business? A. Carry the bodies to Boston.

Q. Did you drive the team? A. Yes, sir.

Q. Where did you carry them to? A. Carried them to Harvard College on North Grove Street, and to the Woman's University School on North Concord Street, and 712 Washington Street.

Q. Anywhere else? A. No, sir.

Q. Did she know what you were about? A. I know what she hired me for.

Q. Well, did she hire you to do this? A. Yes, sir.

Q. How long did you continue in this business; during all the time? A. I drove it for three winters.

Q. What sort of a team did you drive? A. The first two winters I drove two horses, and the last one I drove one horse.

Q. In what sort of a vehicle were these? A. A covered express-wagon.

Q. Were these bodies laid in the wagon, or put in some receptacle? A. Some were put in trunks and some in coffins.

Q. Well, when by trunks, won't you describe those trunks? A. A common Saratoga trunk, without any lining; I should judge about three feet wide, if not more — about two feet and a half wide.

Q. Were there any boxes lined with zinc about the establishment anywhere? A. These were the only two trunks I ever saw.

Q. How many did you take at a time, to a load? A. Whatever the order was; I could not say.

Q. The order from whom? A. Thomas J. Marsh, Jr.

Q. About what would be the order? A. Sometimes one, sometimes two, sometimes three, and sometimes more.

Q. Do you know what limited the order; whether the supply, or those that were ordered to go to a place? A. The order would be so many to one place, and so many to another, whatever it would be, one or two.

Q. Do you know what was paid for carrying those? A. All I know is what I heard — $10 to one place and $12 to another.

Q. Anything about the little ones? Any of those carried? A. Yes, sir.

Q. What was paid for them? A. I never knew.

Q. Do you know of any dispute, or any difference of opinion, between Miss Manning and Mr. Marsh as to the pay for

those? A. She never knew there was any carried, to my knowledge.

Q. How? A. She never knew there was any carried — little ones — to my knowledge.

Q. Didn't you carry any little ones? A. Yes, sir.

Q. She never knew that? A. No, sir; not by my telling her.

Q. Well, why didn't you tell her? You told her about the rest. A. I was told not to tell her.

Q. Who told you not to tell her? A. My father.

Q. Did he tell you why you were not to tell her? A. No, sir; no more than he said "These little ones don't count; keep this dark from Miss Manning."

Q. Oh, I forgot one thing to ask you. Are you at Tewksbury almshouse now, at work? A. Yes, sir.

Q. Or were when you were summoned? A. Yes, sir.

Q. Have you any book or memorandum by which you know how many you carried? A. No, sir.

Q. Did you make any return to anybody? A. No, sir.

Q. Did you tell Miss Manning how many you carried? A. The number that would be carried of large ones she would take every night, and I would tell her what places they went to.

Q. Do you know whether she put it down or not? A. I could not say; she said she did, that is all I know.

Q. Did you know anything about the pay except what you heard? A. No, sir.

Q. What did she pay you a month? A. Twenty-five dollars.

Q. About what time would you commence carrying them — about what time in the year? A. About September; just as it commenced to be a little cool.

Q. What time would you leave off? A. In May or June.

Q. About how many trips a week would you make? Sometimes two trips, sometimes more, and sometimes none at all.

Q. Where did you get these bodies? A. At the dead-house.

Q. Who helped you load them, if anybody? A. My father helped me load when he was there, and afterwards whoever took his place.

Q. Whoever took your father's place in the institution, you mean? A. Yes, sir.

Q. They helped you load? A. Yes, sir.

Q. Where did you take your dinner? A. Where I could catch it.

Q. And you generally caught it where? Did you take it with you; that is what I want to find out? A. No, sir, I would not take it with me. She said her brother used to take his, but I would not take mine with me.

Q. What did you leave Miss Manning's for? A. One reason was I had a sight for a better job, and the other reason was to get something to eat.

Q. Who employed you at the institution? A. I went to see Capt. Marsh, and asked him for a situation. He said he would let me know, and I went there the first of June, and he put me to work.

Q. What was your work at the institution? A. I had charge to see that the walks were kept clean and the detailing of the men to work.

Q. Did you take your father's place substantially? A. Sir?

Q. Did you take your father's place substantially? A. Yes, sir.

Q. You took the place that he did. You did not dig up any, did you? A. Yes, sir, I dug up three.

Q. What? A. Three. That is, since I went to the almshouse.

Q. You never dug up any while you were with Miss Manning? A. No, sir.

Q. That is what misled me in my notes. Since then you have dug up three? By whose direction? A. Thomas J. Marsh, — the Captain once, and Thomas J. Marsh twice.

Q. What was done with them? A. Friends called for them.

Q. And you went and dug them up? A. Yes, sir.

Q. Were those all you dug up? A. Yes, sir.

Q. How many were buried during the time you were there? How many were buried during that time? A. I could not say.

Q. About how many? A. I don't have any idea how many. Whenever I was ordered to bury, I buried.

Q. Of course you did that. Did you bury any that the friends did not call for, or were not expected to call for? A. No, sir.

Q. Now let me understand a little more about this burying and digging up. Friends would call for them, and notify

Marsh or the institution that they were coming for them, and then the body would be buried to wait for the friends, I suppose; is that the way of it? A. I don't understand you.

The CHAIRMAN. The witness must speak louder.

Gov. BUTLER. He said he did not quite understand my question, Mr. Chairman. I will repeat it.

Q. You say you buried some and then dug them up because the friends called for them, and you do not know as you buried any except where the friends were expected. I wanted to know if this would be the course of things: friends would be expected to call, bodies would be buried to wait the friends' coming, and then when the friends came they would be dug up. Is that it? A. These bodies would be in the dead-house there, and I would get an order to bury them, whatever their names were, and I would bury them. If friends came for it, I was ordered to dig it up and give it to the friends.

Q. Now, sir, did you see to the transportation of light freight from the railroad? A. Yes, sir.

Q. No freight went to Exeter, to your knowledge? A. Not to my knowledge; no, sir.

Q. Any that went down to the Boston & Maine to go in that direction? A. None that I was knowing to.

Q. Nothing at all? A. No, sir.

Q. Not a trunk? A. Not a trunk, that I know of.

Q. There were some people of the Marsh family down at Exeter, were there not? A. There were relatives there.

Q. There were relatives. Did they ever come visiting? A. Yes, sir.

Q. Did they go back again after they got through the visit? A. They went away; I could not say where.

Q. They went away somewhere? A. Yes, sir.

Q. Did you take the trunks to the depot? A. No, sir.

Q. Who did? A. The baggage-wagon, if they had any. I could not say if they had any.

Q. Did they come there with any? A. I could not say that, sir.

Q. Well, I thought you were the baggage-master? A. I sorted the light freight.

Q. What do you mean by light freight? A. What would come on the cars; what trunks would go away; the inmates' freight, and what would come on the inmates' train.

Q. Didn't you see what came with the visitors? A. I

never saw any trunks come or go with any of the visitors there.

Q. You never saw any trunk come or go with the visitors? A. No, sir.

Q. Not one? A. No, sir.

Q. During the time you were there? Now, sir, since you have been summoned, has anybody been talking to you about your testimony? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Where? A. At Tewksbury.

Q. What part of Tewksbury? A. At the almshouse.

Q. What part of the almshouse? A. In the institution.

Q. What part of the institution? A. The officers there.

Q. Well, I am not asking you now who, — I shall ask you that in a moment, — but I am asking you where you were talked with. A. At Tewksbury.

Q. Whereabouts in Tewksbury? Out with it, sir. A. In the institution.

Q. Whereabouts in the institution? Out with it, sir. A. Well, in the gate-room.

Q. In the what? A. In the gate-room.

Q. Anywhere else? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Where? A. In the office.

Q. Where else? A. I don't remember any other place.

Q. Won't you try to remember? A. In the dead-house.

Q. Haven't you known of that all the time since I have been asking you? A. I did not recall that.

Q. Didn't recall that. You do recall it now? A. Yes, sir.

Q. Then you have been talked with in the dead-house, in the gate-house, and in the office? A. Yes, sir.

Q. Who talked with you in the dead-house? A. Mr. Brown.

Q. This gentleman? [Mr. Brown, of counsel.] A. Yes, sir.

Q. Anybody else there for witnesses? A. Charles Marsh was there, the clerk, and Thomas J. Marsh.

Q. Three? A. Yes, sir.

Q. There were no dead people, I trust? A. There were two dead people on the racks; that made five.

Q. Now, what was said to you about your testimony? A.

I was down there washing up the dead-house; had a woman there; and Mr. Thomas J. Marsh, Jr., and Mr. Charles Marsh, the clerk, and Mr. Brown, walked in and looked around. Mr. Brown asked me who had the key to the dead-house, and who was in charge. I told him I had the key. He wanted to know if there was any other key there, and I told him none that I knew of.

Q. That is all? A. That is all that was said then, that I remember.

Q. Won't you try to remember? A. I don't remember anything else that was said.

Q. Only they asked you if you had a key, and if there was anybody else had a key? A. Yes, sir.

Q. And that was all that was said? A. That was all that was said, that I remember.

Q. Do you remember something more said that you do not now recall what it was? A. No, sir.

Q. Then that was all that was said? A. That was all that was said at the dead-house.

Q. Anywhere else, anything said? A. At the gate-room.

Q. Well, what was said there? A. Well, every morning or night I would go home — morning, in particular — they would ask me was I summoned down the next day. I told them yes.

Q. Was that all you said? A. They wanted to know who summoned me.

Q. Was that all that was said? A. That was all that was said in the gate-room.

Q. Very well; that is all that was said in the gate-room. Now, in the office, was anything said? Who was there then? A. Thomas J. Marsh, Jr.

Q. What was said there? A. Before this investigation, he says to me one day, "I'm expecting the committee to be here, and want you as a witness; also, Mr. Rollins and Miss Manning will be here." It ran along a few days, I could not say how many, and they came. We were taken in there, one by one, and testified to what we knew about dead bodies.

Q. Yes; you testified what you knew about dead bodies? Do you recognize any of the gentlemen of this committee as being there at the time? A. No, sir.

Q. It was not this committee, but some other committee. Now, since you have been summoned, I asked you what had been said to you. You have told me this which was said before

you testified to some other committee, — you and Mr. Rollins. Who is Mr. Rollins? A. He is the man who drives the team this winter.

Q. He is the man who took your place? A. Yes, sir.

Q. Now, Mr. Witness, on your oath, has there anything been said to you, directly or indirectly, about money, in connection with this investigation, in connection with your testimony? A. No, sir.

Q. Nothing? A. Nothing; nothing has been said.

Q. Sure? A. Yes, sir.

Q. About pay? A. Yes, sir; all I receive is twenty-five dollars a month.

Q. Has nothing been said about pay? A. No, sir.

Q. How long were these persons in the dead-house? A. I should say five minutes.

Q. And they came down there to ask you about the key? A. I could not say what they came for.

Q. That is what they asked you about? A. Yes, sir.

Q. Well, Mr. Thomas J. Marsh knew very well that you had a key? A. Yes, sir.

Q. And, I suppose, Mr. Charles Marsh knew you had a key? A. I could not swear to that.

Q. There was no secret about your having a key? A. I always had a key. The key was given to me the first day I went there.

Q. All you knew was that you did not know of anybody else having one? A. I never knew of anybody else having a key there, to my knowledge.

Q. Nobody else, to your knowledge, had any key? And that is every word they said to you, that you can remember? A. Yes, sir.

Q. Or that you said to them? A. Yes, sir.

Q. And they hadn't anybody else to talk there to? A. There was nobody there but the two dead bodies, Mr. Brown, Mr. Thomas J. Marsh, Jr., Mr. Charles Marsh and myself.

Q. When was that; the first day after your summons? A. I could not say what day it was; it was after the investigation.

Q. Well, was it after you were summoned? A. Well, it was the afternoon that Miss Manning was called on. She was called on at two o'clock, as a witness, and this was about half-past nine or ten o'clock that forenoon.

Q. Do you know whether they had been over to Miss Manning's house? A. I saw them go down to Miss Manning's house.

Q. The same three? A. No, sir; Mr. Brown and Mr. Thomas J. Marsh. I did not see Charles.

Q. That same morning? A. Yes, sir.

Q. Did you see them go in? A. I could not say that they went into the house; no, sir.

Q. They went down to the house? A. Yes, sir.

Q. Did you see Miss Manning that morning? A. I saw her out there.

Q. Out where? A. Out between the house and the barn.

Q. When they went down there? A. When they got there; yes, sir.

Q. Did Miss Manning go down that morning to Boston, do you know, or start to go down? A. She went down so as to be here at two o'clock; I could not say when she went; she went at quarter-past eleven, I think.

Q. Did Mr. Brown and Mr. Marsh go with her? A. I could not say.

Cross-examination.

Q. (By Mr. Brown.) You don't recollect the day when I was up there at Tewksbury, do you? A. No more than it was the day that Miss Manning went down as a witness.

Q. You don't remember that date? A. I remember the day that she went on as a witness, but I could not swear what day it was.

Q. Can you recollect whether or not you had been summoned at that time when I saw you? A. I had not been summoned at that time.

Q. Now have you stated all that conversation that took place between yourself and myself? A. As near as I remember, I think I have; yes, sir.

Q. Do you recollect who was present when I asked you if there was more than one key to the dead-house? A. Yes, sir.

Q. Who was it? A. Mr. Thomas J. Marsh and Charles Marsh.

Q. They were within hearing, were they? A. Yes, sir.

Q. No other conversation took place? A. Not that I remember of.

Q. Do you recollect whether you unlocked the door to let me in? A. Yes, sir.

Q. You did? A. Yes, sir; I did.

Q. You took that key from your pocket, and that was why I asked you if anybody else had a key, was it not? A. Yes, sir.

Q. No other conversation took place between you and I? A. No, sir.

Q. And there was no conversation between Mr. Charles Marsh or Thomas J. Marsh and yourself, was there, at that interview, in my presence, that you recollect? A. Yes, sir.

Q. What was it? A. I heard you ask or speak about the size of the room where we pack them.

Q. Well, there was no conversation between them and you, between either of the Marsh boys and yourself, was there? A. I do not remember that there was; no, sir.

Q. Now, you say you saw me down at Miss Manning's house? A. Yes, sir.

Q. Well, that was Thomas J. Marsh, Jr., and myself, was it? A. Yes, sir.

Q. Did you see us go into the house? A. No, sir.

Q. Don't you know we did not go in? A. I said I did not see you go in.

Q. We rode down on the coach? A. Yes, sir.

Q. Were there in the dooryard a few minutes and then came back up through the burial ground? Don't you recollect about that? A. No, sir; I don't know about the burial ground.

Q. We came back up to the dead-house? A. Up to the dead-house; yes, sir.

Q. Now, you speak of the conversation at the engine-house, or the gate-house. With whom did you have that conversation? A. With different officers of the institution.

Q. With whom? A. Mr. Thompson, for one.

Q. Have you ever had any conversation with Thomas Marsh, Jr., or Capt. Marsh? A. Capt. Marsh never mentioned the subject to me.

Q. Well, did Thomas Marsh ever mention that subject of your coming here as a witness? A. Yes, sir. He asked me this morning if I could not get around before night. He said his father and Charles got home at noontime, and he did not see why I should not.

Q. Anything else in conversation with Thomas Marsh, Jr.? A. The conversation he had about the committee coming there.

Q. And that is all. Now, you don't recognize either of these gentlemen here as persons that you call the committee? A. No, sir, I do not; not one of them.

Q. Well, was it not the board of health, lunacy and charity that you refer to? A. I knew two of them, and the other three I didn't know.

Q. What were the names of those you did know? A. Mr. Wrightington for one and Mr. Sanborn for another.

Mr. BROWN. Oh, yes; so it was not the legislative committee, probably.

Gov. BUTLER. They are not of the board of health, lunacy and charity, brother Brown: that is, I mean ostensibly.

The CHAIRMAN. Agents of the board.

Gov. BUTLER. Agents of the board. I am willing to admit they are the board, Mr. Chairman.

Q. (By Mr. BROWN.) Do you recollect the day when you appeared before those gentlemen to answer their questions? A. No, sir; I do not.

Q. Do you recollect whether it was since the first of January? A. It was since — I could not swear to the date.

Q. Well, since the legislature met — do you think? A. It is within four weeks; I could not say.

Q. Now, Mr. Chase, you have given us all the information that you know, have you? A. I have given all I have been asked for.

Q. All you have been asked for? A. Yes, sir.

Q. Now is there anything that you know, that you think it is important for this committee to know, that you have not been asked about? Because, if there is, I would like to have you tell them. Do you think of anything? A. I was not put on here to tell what I think.

Q. Can you recollect anything? A. I can answer almost any question you ask.

Q. (By Gov. BUTLER.) If you can answer any question that is asked, answer that question: If there is anything up there that you think the committee ought to know. Mr. Brown wants you to tell them, and I want you to tell them; we both want you to tell them. A. I shall not approach — I shall not volunteer to tell anything I know.

Q. What? A. If a question is put to me, I will answer it.

Gov. Butler. That is all.

Testimony of Charles W. Shattuck (*sworn*).

Direct examination by Gov. Butler.

Q. Your full name, Mr. Shattuck? A. Charles W. Shattuck.

Q. Do you live in Lawrence? A. I do.

Q. Do you know Mr. Spalding, one of the trustees of the Tewksbury almshouse? A. I do.

Q. How long have you known him? A. Twenty-five years.

Q. He lives in Lawrence? A. Yes, sir.

Q. Always lived there? A. Yes, sir; I have known him, I should think, twenty-five years — twenty to twenty-five years.

Q. What has been his business? A. Clothing business.

Q. Ever know him in any other? A. He was treasurer of the savings bank there.

Q. Of what? A. Of the savings bank.

Q. Any other business? A. That is all.

Q. Never knew him in the apothecary business, did you? A. No, sir; I never did.

Q. That is not one of his ostensible businesses, is it? A. No, sir.

Q. Are you a member of the First Unitarian Society in Lawrence? A. No, sir; I am not.

Q. Was he, do you know, to your knowledge? A. I could not say; my impression is that he was.

Q. Well, did he attend the church there? A. He did; yes, sir; always did.

Q. Was Rev. E. R. Sanborn at one time the clergyman of that church? A. He was; yes, sir.

Q. Won't you look at this printed copy of a sermon? I will call your attention to a particular part of it, there where I have marked it. But before we go to that, how many years has Mr. Spalding been trustee of the Tewksbury almshouse? A. I really don't know; I should think five or six years.

Mr. Brown. Let me see it? [The sermon pamphlet.]

Gov. Butler. Oh, you shall see it in due time.

Q. Now, sir, will you tell me whether such a sermon as that [presenting the pamphlet] was published in the newspapers of Lawrence, containing a paragraph like that? [Marked.] A. I recollect seeing something of this kind that was circulated in

Lawrence; and aside from that I think it was in a daily paper.

Q. You saw this printed paper of this sort? A. Yes, sir.

Q. Circulated in Lawrence besides being published in a daily paper? Can you tell me about when? A. I could not tell you; I should think about two years ago. I think Mr. Sanborn left two years ago, and I think that was printed a short time before he left.

Q. Yes. This was his farewell sermon, was it? A. I think it was.

Q. Did you ever talk with Mr. Spalding about this, you being a friend? A. Never. Never mentioned it.

Q. Did he ever mention it to you? A. No, sir. I don't think I have spoken to Mr. Spalding for a year. I don't think I have happened to meet him.

Q. Has Mr. Spalding ever said anything about his connection with Tewksbury almshouse to you? A. My impression is, that about the time he was elected, he did say something about it, and he may have since. I was at one time one of the trustees of this savings bank; but for a year past, or more, I have not been in there.

Q. You have not been there for a year past? I want to go back of that time. Anything said about how he could afford it, or how he could give up the time to be trustee? A. I don't think he ever told me anything about it.

Q. What? A. I don't think he ever did.

Q. Well, won't you try and remember, — let us come right at it, sir,—in some form of words, in some way? A. Well, it is a long time ago. If I had any conversation, I am sure I have entirely forgotten it.

Q. Will you see if you forget this kind of conversation? Will you say that in some form of words he did not tell you that he had contracts, or was interested in the purchase, or in some way interested in the matters at Tewksbury almshouse, and give that a reason why he was there? A. I do not think he ever did say so much as that.

Q. Did not say as much as that? A. I don't think he did.

Q. Did he say part of it? A. I have an indistinct recollection of his saying something about changing, or buying certain things.

Q. What certain things were those? A. I think it was clothing.

Q. Buying of the Tewksbury almshouse, or selling to them?

A. Well, I don't suppose he bought: I don't know. I inferred, my impression was, that he changed the place of their buying their goods; who bought them, I don't know.

Q. That he changed the place? A. Well, that he talked about it. I don't know whether he did.

Q. He told you that he talked of changing the place to buy goods. Did he tell you where he would buy? A. No, sir, he did not.

Q. Did he give you any reason why he should change the place of their buying? A. I don't know that he did.

Q. Did you understand any reason? A. I don't know that I had any right to understand anything.

Q. I don't know whether you have any right to. I think it was all wrong myself; did you? A. No, sir, I did not.

Q. That was about the time of his first being appointed, you think? A. Well, I don't think it was when he was first appointed; I think it must have been some little time after. I could not say when.

Q. Well, it was before this sermon, at any rate? A. Yes, sir; I think it was.

Q. Well, when you come to see this sermon, don't it serve to refresh your memory? A. Well, I could not say.

Q. How is that? A. When you say refresh my memory —

Q. Well, don't it bring it back to your mind? Perhaps you had it there all the time. Did this sermon accord with what he had told you, substantially, when you came to read it? A. Well, he never told me that.

Q. Well, was not this in the same line? A. I have not any distinct recollection of what he did say. I know my impression was, when I read it, that I thought very likely it might have been said; that is all I can say about it.

Gov. Butler. Now, Mr. Brown, I propose to offer this: I have incorporated it very briefly in my message. You will remember I said that it was stated in a public sermon years ago.

Mr. Brown. This must have been a wicked clergyman to preach on secular affairs.

Gov. Butler. It was not on Fast Day, sir.

Mr. Brown. I don't think he is worthy of confidence — any minister who will do that.

Gov. Butler. Oh, that is all very well.

The Chairman. Do you object to the paper, Mr. Brown?

Mr. Brown. I am perfectly willing it should go in, sir; I do not see that it is of the slightest importance.

Gov. Butler. Speaking of the time when Mr. Spalding was re-commissioned as inspector of the State almshouse, and had had some difficulty in securing the appointment, Mr. Sanborn said: —

"Having succeeded, he was naturally somewhat elated. Showing the commission to me, he boasted, without any sense, apparently, of what he was saying, that while it had no emolument attached to it, he could and did make it pay. Then he went on to tell how the large clothing trade of the institution had been carried on with a certain house, but he had changed all that, and now he had it where he could manage it and secure something from it. I ought to have told him to keep such things to himself, but instead, I asked one of his intimate friends to tell him so."

This is published, a publication of a sermon by Rev. E. R. Sanborn to the First Unitarian Society of Lawrence.

Mr. Brown. Do you find that the institution ever bought any clothing of this trustee?

Gov. Butler. I don't think they did.

Mr. Brown. I don't think you will be able to find that.

Gov. Butler. That was not the way they did it. He changed the contract over to another man, and the other man divided.

Mr. Brown. That is the old-fashioned way. They used to do that thing in the time of the war. That was the common way during the war, twenty years ago.

Gov. Butler. What?

Mr. Brown. That was the common way during the war, twenty years ago.

Gov. Butler. Very right. You were there in the war, and knew.

Mr. Brown. I certainly was there. You and I were in the department of Virginia and North Carolina together, Governor.

Gov. Butler. Certainly we were. Now to fix the date, I have here another document which was published at the same time.

Q. [Producing a circular.] You saw that, didn't you? A. Well, I may and I may not have seen it, but I do not think I ever did.

Gov. Butler. I have a circular, a recommendation of the

Rev. Mr. Sanborn, which was published at the same time, signed by very many respectable people.

Mr. Brown. I should like to see anybody who recognizes that before it is put into this case.

Gov. Butler. Well, this was after the sermon, sir, and refers to it.

Mr. Brown. The recommendation came after the sermon.

Gov. Butler. Certainly, sir. After your retirement we will read it.

Mr. Brown. For what purpose is this offered?

Gov. Butler. For what purpose, sir? To fix the date of the sermon, in the first place, and in the second place to show that a great many people, very respectable people, in Lawrence had high confidence in this clergyman, and gave him a written testimonial, which was proof of that confidence. And more than that, you said you would like to see somebody who thought well of him after that sermon, and there it is.

Mr. Brown. I don't see anything here that is any evidence that anybody ever thought anything of him. I object to it, Mr. Chairman.

The Chairman. I don't suppose it is competent, if you object to it. The committee will do what they see fit with it.

Mr. Brown. Here are a lot of printed names, with no evidence that any one ever signed the testimonial. It reminds me of a petition that was put in for fortnightly payments, with more than one hundred signatures, all written by one man. There is not the slightest evidence of the genuineness of this paper.

The Chairman. The committee will pass upon it, if you object to it.

Mr. Brown. I object to it.

Mr. Mellen. I would first say that I protest against the chairman passing judgment for the committee. I do not think it is fair.

The Chairman. Well, somebody must pass judgment in this way.

Mr. Mellen. Well, somebody — that is, this committee.

The Chairman. I submit every question to the committee as it arises.

Mr. Mellen. You do; but you first make a practice of giving your opinion, and saying that it is incompetent.

The Chairman. The question is on admitting the testimonial.

The committee voted to admit the testimonial, which Gov. Butler read as follows: —

LAWRENCE, Mass., Oct. 23, 1880.

REV. EDMUND R. SANBORN:

Dear Sir, — The circumstances attending your retirement from the pastoral charge of the First Unitarian Society of Lawrence induce us to formally express our feelings as members of your congregation, respecting you personally, and of your labors as our pastor.

As to certain vague aspersions, by idle gossip or malevolence, affecting your character as a man of honor and virtuous morals, we discover no justification or grounds of credence, and our confidence in your integrity is unimpaired. You have publicly demanded the production of any proofs of unworthly conduct on your part, and none having been produced, and no man standing forth as your accuser, we feel that in common justice you are entitled to the favorable judgment of a just public opinion.

We are assured that the recent action of the Society, refusing the expression of their appreciation and respect, was due to an injurious misinformation of facts, since explained to the entire satisfaction of all fair-judging men.

We wish in particular to recognize the fidelity and success of your pastoral labors with us, — in the removal of the large and burdensome debt which you found on your entrance upon the pastorate, in the improvements of the church edifice and grounds, in the generally bettered financial condition, and in all the denominational and social activities of the parish.

Your very able pulpit ministrations, worthy, as we believe, of the liberal spirit and independent religious thought of our generation have been most acceptable to us. While we regret the severance of our agreeable connection as pastor and congregation, we indulge the hope that the liberal pulpit will not permanently lose the services of a preacher so well fitted, by gifts of eloquence and culture, to adorn it.

Our esteem and wishes for your welfare will attend you in whatever field of labor you may hereafter labor.

We are, sincerely, your friends,

James R. Simpson,
David T. Porter,
John K. Tarbox,
A. W. Howland,
H. H. Church,
Dyer S. Hall,
Geo. W. Sargent,
Chas. Clarke,
Wm. McAllister,
J. D. Drew,
Mrs. E. W. Gould,
Mrs. E. Scholes,
Mrs M. Hulme,
Mrs Wm. Hughes,
Mrs. Geo. N. Archer,
Mrs. A. A. Sanborn,
Josephine Hughes,
Abbie M. Soper,
Mrs. Rosa Riley,
Mrs. J. F. Merriam,

J. W. Higgins,
John Royle,
Isaac Shackleton,
Wm. Hughes,
S. W. Jackson,
Geo. N. Archer,
A. A. Sanborn,
J. F. Merriam,
D S. Jordan,
Wm. Harris,
John L. Scholes,
James E. Simpson,
J. W. Higgins, Jr.,
A. N. Phillips,
Alfred Showell,
E. W. Gould,
Edwin Riley,
John Peacock,
Hartley Coupe,
Albert Emerson,
Mrs. J R. Simpson,
C. W. Sylvester,
C. B. Smith,
Albert Blood,
Nellie Simpson,
Mrs. J. D. Drew,
Mrs. J. W. Higgins,
Lucy M. Higgins,
Mrs. Albert Emerson,
Ida M. Emerson,
Hattie Emerson,
Carrie B. Emerson,
Mrs. F. A. Showell,
Mrs. Alice Lockwood,
Mrs. A. N. Phillips,
Mrs. E. A. Royle,
Mrs. Mary Rendle,
Mrs. E Shackleton,
Mrs. J. Robinson,
Mrs. Imogene Dodge,
Mrs. Harriet Holmes,
Mrs. Mary M. Locke,
Mrs Ella E. Smith,
Mrs. D. S. Jordan,
Mrs J. Peacock,
Jennie Peacock,
Mrs. Salina Coupe,
Mrs Albert Blood,
Mrs. Jane Hool,
Mrs. Susan F. Mason,
Mrs. Susan A. Porter,
Mrs. U. E. McAllister,
Lydia P. Stevens,
Mrs. Ella M. Small,
Mrs. R. Smith,
Mrs. Geo. W. Sargent,
Mrs. A. Tower,
Mrs. E. T. Lane,
Serena C. Lane,
Dora Eastman,
Mrs. E J Burnham,
Mrs. L. R. Whiting,
Mrs. C. B. Martin,
Geo. W Swift,
Albert P. Tower,
Jos. H. Wheeler,
Jeremiah P. Burnham,
Fred Eastman,
F. T. Lane,
Hannah Peacock,
Fannie Peacock,
Alice L. Lanman,
Clara T. Wing,
James P. Barrie,
Mrs. James P. Barrie,
Stillman A. Dane,
Mrs. John Dane,
Hattie Read,
Laura E. McCurdy,
Warren J. Jones,
Edgar J. Sherman,
Mrs. E. J. Sherman,

Mr. BROWN. Let me look at that again.

GOV. BUTLER. Now I will put in, without reading it, the rest of that letter, which shows that it was a farewell sermon.

Mr. BROWN. Well, does this communication from Mr. Sanborn go in too?

GOV. BUTLER. Yes, sir.

Mr. BROWN. You didn't mention that. It seems to be two pages on the other side.

GOV. BUTLER. I don't care anything about that, sir. There was more of that, but that was not pertinent to this issue.

Q. (By Mr. Brown.) What was the name of this Mr. Spalding that you have been talking about? A. W. R.

Q. Will you see if this is the same man. You recollect some of this. [Reading from the testimonial.] "Upon examination of the matter, it appeared that the general dissatisfaction alleged did not exist. Failing to convince either the trustees or any number of the people that there was sufficient reason for my dismissal, this enemy — William R. Spalding — immediately began to manufacture reasons, by circulating horrible insinuations both against my business integrity and the purity of my morals." Is that the man that this man Sanborn chastises in the sermon? A. Yes, sir.

Q. So that Mr. Sanborn and Mr. Spalding evidently had a little difference between themselves at some time, and the subject-matter of that difference was the morals and integrity of Mr. Sanborn, was it? A. I don't know anything about that.

Q. (By Gov. Butler.) These are very respectable men and women, are they not, up in their town? A. Yes, sir.

The Chairman. Your Excellency, I should like to call attention to one proposition in the message. I find it on page 58 : —

"At any rate, as the law now stands, any of these officers may commit any crime and be put into the State prison for so doing, — and it is not unheard of that persons connected with the State government must have committed crimes, — and still they cannot be removed from office."

And on page 68 you say : —

"Because the trustee was reappointed within a year and remains under your laws a fixture in office, not to be turned out, or investigated even, by any power in the Commonwealth except the great legislative power."

Gov. Butler. Yes, sir.

The Chairman. Does your Excellency adhere to that position?

Gov. Butler. Which part of it?

The Chairman. "That he remains a fixture in office, not to be turned out, or investigated even, by any power in the Commonwealth except the great legislative power."

Gov. Butler. Yes, sir ; I think so.

The Chairman. Now, I desire to call your attention to section 24 of chapter 215 of the Public Statutes.

Gov. Butler. I am not going to discuss law with the acting chairman.

The Chairman. I desire to call your attention to section 24 of chapter 215 of the Public Statutes, which says: —

"When a convict, sentenced by any court of this state, or of the United States to imprisonment in the state prison, at the time of conviction and sentence holds an office under the constitution or laws of this state, such office shall be deemed to be vacated from the time of his sentence."

Gov. Butler. That is very familiar, sir, but I do not see what it has to do with this matter. I have not said that Mr. Spalding is a convict; I only said I thought he ought to be.

The Chairman. But still you say he is not to be turned out or investigated by any power except the legislature.

Gov. Butler. Certainly, he is not to be turned out.

The Chairman. Call your next witness.

Gov. Butler. I want to say, sir, that I am here to put in testimony, and not to discuss the law at the present time with the acting chairman, however much he may desire it.

The Chairman. I just wanted to call your Excellency's attention to that section of the Public Statutes.

Gov. Butler. Pardon me, but I had my attention called to that a great while before. It has nothing to do with this case at all.

The Chairman. Call your next witness.

Testimony of John H. Chase (*re-called*).

Direct examination by Gov. Butler.

Q. Mr. Chase, when you left the stand the other night, you told us the half had not been told, I remember. After that did you ask to see me — ask that you might call on me as you were going out of the door? A. I don't know but I did, sir.

Q. Did you call? A. Yes, sir.

Q. And I told you to give to my stenographer anything that you might know? A. Yes, sir.

Q. And you did so? A. I did so.

Q. Among the things, did you know that empty coffins, or coffins filled with something besides dead bodies — leaving out now the ones that you spoke of as being filled with wood — were buried? A. Yes, sir.

Q. Were you asked if you could point out any one? A. Yes, sir.

Q. Did you then see Mr. Innis? A. I did.

Q. And after seeing him did you go up to the graveyard at Tewksbury? A. I did.

Q. Did you locate there any that you could recognize — any grave where such a coffin had been buried? A. I did; yes, sir.

Q. Did you leave any mark upon it? A. Yes, sir.

Q. What was it? A. I broke a twig from a tree.

Q. And laid it upon the grave? A. Yes, sir.

Q. What grave was that? A. It was that of Joseph Parks.

Q. What was he? A. He was a tailor.

Q. An inmate? A. Yes, sir.

Q. Been long an inmate? A. While I was there,— during the year and a half or fifteen months that I was there.

Q. Popular among the inmates? A. He was.

Q. Did you bury that — what was done with him, with his body? A. Sent to the city.

Q. Did you bury the coffin? A. I did.

Q. Under whose direction? A. Thomas J. Marsh, Jr.

Q. You put up a head-board at the head of the grave? A. I put up a cross, sir.

Q. Put up a cross at the head of the grave. After that, can you state whether the inmates that knew him used to go up and leave flowers on the grave? A. I knew that they went there.

Q. To his grave? A. Yes, sir. And I found flowers there afterwards.

Q. In the habit of doing that? A. No, sir.

Q. Were they in the habit of going down there, I mean? A. No, sir.

Q. Well, sir, did you tell Mr. Innis afterwards what mark you had left upon the grave? A. I think that I did, sir.

Q. Were you there when that grave was dug up last Friday morning — last Friday afternoon? A. Yes, sir.

Q. Did you dig up — did some laborers under the direction of Mr. Innis dig it up? A. Laborers dug it up.

Q. Was the coffin taken out? A. Yes, sir.

Q. The head-board — the cross — A. Mr. Innis took the cross.

Q. Anything in that coffin when it was taken out? A. No, sir.

Q. Was the lid taken off, or how did you find that out? A. By the heft of it.

Q. Was the coffin brought away? A. It was brought to the city, sir. Yes, sir.

Q. And the cross, too? A. Yes, sir.

Q. Do I understand you? not that the corpse had been taken out after it was buried, but that it was buried without any corpse? A. Yes, sir.

Q. Were there others in that condition? A. Yes, sir.

Q. Were there other coffins buried there with other things in them besides dead bodies and wood? A. There were a few.

Q. What was in them? A. I put some sand into some of them.

Q. I want to call your attention to a case, without asking for a particular statement of it, of a couple of ladies who came with a casket after their deceased friend. Tell the story right along as it is. A. I don't know of any persons coming there with a casket, sir. There was an undertaker came there with a lady for a corpse and the corpse was buried, and the doctor didn't wish to give the corpse up.

Q. Why? A. Well, he told her it died of a contagious disease. It was that case where the rats had eaten the flesh and the body was buried. But, after consulting the undertaker, and the doctor and Mr. Marsh, they consented to take the body up and deliver it to the undertaker, with the understanding that he should not open it; and I went down and took the body up, had it taken up, and delivered it to the undertaker.

Q. Did this woman die of any contagious disease? A. I could not say that she did; I don't know anything about that. She died in the hospital.

Gov. Butler. We have had the story about how her face was eaten by the rats. This is the one whose face was eaten by rats.

Q. Did they put it in the casket? A. No, sir; they did not.

Q. What was done with the casket? A. I put it away in the case in the coffin-room.

Q. Was the body put into an outside shell? A. Put in a case; the old coffin was placed right in a case.

Q. Did the people know it was not put in the casket? A.

No, sir; excepting myself and the undertaker, Mr. Marsh and the doctor.

Q. They carried off the body, supposing it was in the casket? A. I suppose the lady thought so; yes, sir.

Q. What became of the casket? A. I sold it.

Q. For what? A. A lady came up there who had a sister that died; two ladies came there that had a sister die in the hospital; and when they got there I opened the coffin in the dead-house, and they wanted to know how near they could get a coffin. I told them Lowell: and they said they wanted to return, and get home to Gloucester, I think. And during the time they were thinking the matter over about going to Lowell, I saw Captain Marsh, and explained to him about the coffin, and told him how it was, and he looked at it with surprise. He didn't know anything about it. I told him how it was, and he told me I could sell it. I asked him what I should get for it, and he said whatever I thought it was worth, or to that effect. I asked him, $15? And he says, yes. I went down and told the ladies in regard to it, and they took it.

Q. And paid the $15? A. They did.

Q. To you? A. Yes, sir.

Q. What did you do with the $15? A. Carried it up and gave it to Charles Marsh.

Q. Tell him where it came from? A. Yes, sir; with three dollars for a case.

Q. That is, a case to go outside of the casket? A. Yes, sir.

Q. That one of the State prison cases? A. I could not say where it came from; it was in the coffin-room.

Q. Do you know any other case where a deceased inmate was sent away from the institution and buried, whose friends came for it? A. I don't recollect now, sir.

Q. Joseph Parks, — was there a case of that sort? [Witness hesitated.] Well, it is not of very much consequence. Do you remember the case where two ladies came for an old lady that died? A. Yes, sir.

Q. Won't you state that to the committee; about when it was, to begin with? A. I could not state the time it was, sir.

Q. How old was the lady that died? A. She was very old: over ninety, I think.

Q. She was buried? A. No, sir.

Q. What was done with her? A. Sent to the city.

Q. How soon did any friends come for her? A. It was a number of days.

Q. What friends came? A. Her two daughters.

Q. Now, won't you state exactly what they said to you and you to them. A. They came there. I went down to the dead-house and opened the coffin, and they saw their mother; and they told me that they were poor. One of them was sickly, and said that she had been sick and could hardly take care of herself, and the other was unable to take care of her mother, and she was obliged to put her upon the State, and that she had died as she had. And they, hearing of her death, had no means of coming; and they told of some person in Fall River, I think, that gave them the money to come on to see their mother. And they reckoned the money for their fare back, what it would cost them, and they wanted to know if Captain Marsh would take the money and have a slab put up, or they would send some money as soon as they earned it, and have a slab put up. I told them Captain Marsh was away that day; and she then asked me if I would take it, and I told her no, I would not.

Q. Wanted the slab put up on the grave where their mothe was to be buried? A. Yes, sir.

Q. You say you showed them their mother in the dead-house? A. I did.

Q. Did they say anything about whether it was to be buried or sent away for dissection? A. They didn't say anything about dissecting; they supposed the mother was to be buried.

Q. And they wanted to leave money to have a slab, and you could not take it; did they urge it upon you? A. They simply offered it to me.

Q. Did Mr. Thomas Marsh see them and you? A. He asked me about it afterwards.

Q. Did you tell him what these people wanted? A. Yes, sir.

Q. And what did he say? A. He wanted to know why I didn't take it.

Q. What did you tell him? A I told him I could not, very well.

Q. What did he say to that? A. He made some reply; I could not say what.

Q. What? A. He told me I ought to have taken it, I believe.

Q. You ought to have taken it? A. Yes, sir.

Q. Was that woman afterwards sent to the city? A. Yes, sir.

Q. Now, why didn't you tell us these things before, sir? A. They was not asked of me, for one thing.

Q. I was asking you for anything else, you know; why did you keep it back, Mr. Chase? A. Well, it was the respect I had for Captain Marsh and his family.

MRS. AGNES CALDER (*sworn*).

Direct examination by Gov. Butler.

Q. Mrs. Agnes Calder is your name? A. Yes, sir.

Q. Were you ever employed in Tewksbury? A. Yes, sir.

Q. When? A. First, it is eight years ago.

Q. How long did you stay? A. Two years.

Q. Having stayed there two years, where did you go then? A. I went Down East, home, and stopped all summer, down to Eastport.

Q. Where did you go then? A. Then I came back and went to the Children's Friend Society upon Rutland Street, and I am living there now.

Q. What did you do in Tewksbury? A. At first, when I went into Tewksbury, I went over the babies.

Q. You had the baby ward, I suppose? A. Yes, sir.

Q. And how long did you remain over the baby ward? A. Well, I think it was about six months.

Q. How many babies had you under your charge? A. Well, sometimes there would be fifteen or sixteen young babies, and there was some other children, about two years; some two years and some older.

Q. Did you have sole charge of the babies? A. I had help to help me. I had women to help; inmates; I had the charge.

Q. And you had charge of the inmates who helped? A. Yes, sir; and Miss Nellie Marsh was the doctor; she seen to them.

Q. You were the nurse in charge, and Miss Helen Marsh was the doctress? A. Yes, sir.

Q. What happened to the babies? A. They died and was sent away, the most of them, and what children that was there growed up, and was sent up to Monson as they grew.

Q. The babies died, and what children were there largely were sent away? A. Yes, sir.

Q. How many babies had you under your charge, think you, while you were there? A. Oh, well, sometimes we would have fifteen, and perhaps they would die, and then we would get as many more.

Q. Did they all die? A. Yes, sir; I guess every one of the babies died that was there; didn't raise any.

Q. Didn't raise one? A. No, sir.

Q. How many do you think you had? A. I don't know, sir; we had fifteen cradles, so we only had fifteen to a time.

Q. How long would fifteen babies last? A. Well, perhaps it would not be but a week or two after they would be taken sick before they would all die.

Q. Won't you describe about how they were taken sick; whether they were all taken sick in the same way? A. The most of them throwed their milk off their stomach. We fed them with the milk from a bottle; we had nurse-bottles and they nursed the milk, and they used to throw it off their stomachs, the most of them, and be very sick to their stomach. Most of them died that way.

Q. What kind of milk? A. It was cow's milk; milk from the cows.

Q. Skimmed or cream; fresh milk? A. I don't think it was very poor milk; it was nice milk, I think.

Q. Not very poor milk? A. No, sir.

Q. And they would take the milk from the nurse-bottles, each taking it from a nurse-bottle, and then they would all be taken with vomiting? A. Yes, sir.

Q. And die right off? A. No, sir; sometimes they would live four-and-twenty hours, and sometimes they would not live but three or four hours.

Q. What did you think was the cause of the deaths; anything in the milk? A. I don't know, sir, what was the matter. I gave them the milk; I didn't know what sickened them or anything, but I did the best I could.

Q. You had been accustomed to deal with babies before, hadn't you? A. Yes, sir; oh, yes. I have taken care of babies almost all my life.

Q. Did you ever see any others that died that way, all sicken alike? A. I don't know, sir, as I ever did; but sometimes babies will be taken sick that way and die.

Q. What did you have charge of after you left the babies; or the babies left you, rather? A. I went over,—they put Dr.

Whitaker at the insane hospital, and so I went from that into the insane hospital for to take care of the insane women.

Q. Were you at the head of that hospital? A. Yes, sir.

Q. Head nurse? A. Miss Marsh was there to help; Miss Nellie Marsh came down for to help me to see to them.

Q. Helen Marsh would come down; she was the physician? A. Yes, sir.

Q. Doctress? A. Yes, sir.

Q. But you were the nurse, — the head nurse? A. Yes, sir.

Q. Of the female insane? A. Yes, sir; and the number used to be twenty-nine into it, sometimes; that is what room we had was twenty-nine.

Q. Where was the men's insane ward? A. Of course they were carried over to the other. There wasn't any men brought to our ward.

Q. Now, have you ever seen these insane women abused? A. Yes, sir; I have.

Q. How? A. Why, they would come in very badly abused.

Q. What? A. They came in,—had been beat very badly when they was brought in.

Q. When they were brought in they had been beaten very badly. A. Yes, sir.

Q. Where were they brought from? A. They were brought from Mr. French's, most of them.

Q. Who was Mr. French? A. He was across in the insane building. He had charge of one part of the building, and Mr. Bradford of the other.

Q. Then they were brought from the insane ward, that French had charge of, into the insane hospital where you were? A. Yes, sir.

Q. That is, he had charge of them before they were sick, and when they were sick you did? A. Yes, sir.

Q. Now, won't you describe how you have seen these women when they were brought from the insane ward into your ward? A. There was one came in; she lived six hours after coming in. She was beaten very bad. She told me she was thrown down stairs, and beat by Mr. French very bad; and her back had the prints of some one's foot where they had kicked her on the back. And another old lady came in, seventy years old, and her neck, —she had been choked so that the prints of the fingers, — the thumbs were here [illustrating], and behind was the five fingers

on each side, all black; and her hands were black, as if he had choked her. She said she had been choked almost to death.

Q. Any others? A. Yes, sir; a great many others came in complaining dreadfully that they were abused, as they came in.

Q. Could you see marks of it? A. Yes, sir; they had the marks on them.

Q. And these were insane people? A. Yes, sir; these were all insane people.

Q. And this is what was done to them in the insane ward, and what brought them into the hospital, I suppose? A. Yes, sir.

Q. Who did they say did this? A. They said Mr. French done it.

Q. Was he in charge? A. He was in charge over the crazy.

Q. You say this woman was brought in there from the insane ward, and died in six hours? A. Yes, sir.

Q. That had this kicking; the mark of a man's shoe or boot on her back? A. Yes, sir.

Q. What other disease did she have; could you see any? A. No, sir; I didn't think she was sick; but she told me she was almost killed where she was thrown in a heap. I asked her what was the matter with her.

Q. When you were there was there any complaint about clothing? A. About damp clothing, do you mean?

Q. What? A. What kind of clothes?

Q. Damp, or been taken away; anything of that sort? A. Well, the inmates made a great fuss about their dresses; said they had been taken out of their trunks. One said she had so many yards of nice silk in her trunk, and it had been taken out.

Q. Now, was this a single complaint, or was it a general complaint, frequently made? A. They often spoke of their things being taken out of their trunks.

Q. Their trunks were down in the trunk-room? A. Yes, sir.

Q. Well, I see it stated that it is wonderful that paupers should have silk dresses. Do you know whether any of them had? A. I don't know, sir; I didn't see the trunks, you know. I had nothing to do with the trunks. When any one died, I had a card to go down to the baggage-room and get their clothes,

and so I asked the lady that was in the baggage-room if she would give me something to put on the dead, and so she would go and look in their trunks, and give it to me, and that is all I ever saw of their clothes.

Q. That is all you had to do about that? A. Yes, sir.

Q. When they would die you would go down and get something to lay them out in, I suppose? A. Yes, sir.

Q. What did you use to get? A. Well, sometimes I would get very poor things, and sometimes I would get very good ones. Sometimes some of them would have nice things, and sometimes they would not have but very little.

Q. How was it about the food these people got? A. I don't know, sir; all I could get I gave them, and sometimes it was very good, and sometimes it was not. You see the patients got —

Q. The patients got good food? A. Yes, sir.

Q. In the hospital ward the food was good? A. Yes, sir.

Q. How was it about the others? A. About the food?

Q. Yes. A. I don't know, sir; you know I had not anything to do with them.

Q. You hadn't anything to do with that? A. No, sir: when they sent it I gave it out; that is all I could tell.

Q. The hospital fare was good? A. Yes, sir.

Q. Now, how was it as to clothing for the bed being damp? A. Well, the clothes were sent down damp: they were quite damp, and the babies' clothes were damp when they were sent, and they was not ironed.

Q. Wasn't ironed? A. No, sir, they were not ironed: the babies' clothes were not.

Cross-examination by Mr. Brown.

Q. What part of the building was it where you had charge of the hospital? A. It was down a little ways, down from the house.

Q. That is over beyond the conservatory? A. Yes, sir; it is pretty near the insane building.

Q. Do you recollect the date, when it was you went to take charge of these people in the hospital? A. No, sir; I don't recollect the date.

Q. You recollect the date when you went to the institution first? A. I could not say what date, but I think it was July that I went there; I never kept any book.

Q. What year? A. Eight years ago.

Q. Eight years ago? A. Yes, sir; it is eight years ago this summer.

Q. 1875? A. Yes, sir; and then I left. I was there two years, and I left in July.

Q. July, 1877? A. Yes, sir.

Q. And that two years comprised all the time that you were ever at Tewksbury in any capacity? A. Yes, sir.

Q. Now, the first part of the time you had charge of the children? A. Yes, sir.

Q. The infants? A. Yes, sir.

Q. And about how long was it that you had charge of the infants? A. I think I was there about six months.

Q. Six months? A. Yes, sir.

Q. And then you went into the insane department? A. Yes, sir.

Q. And there you stayed about a year and a half? A. Well, I don't know, sir: I wasn't there, I guess, a year and a half; because, when the new doctor came, he took the patients and put them over in the other hospital, and I was night-watch over in the large hospital.

Q. You spoke of a Mr. French: do you know whether he is living or dead? A. No, sir; he is dead.

Q. He is dead? A. Yes, sir; after I left.

Q. The person about whom these insane women told you these stories is now dead? A. Yes, sir.

Q. Sure of that? A. Yes, sir; Mr. French?

Q. Yes. A. I suppose he is dead; I have heard he was.

Q. You heard he was? A. Yes, sir.

Q. What was the name of that woman that you say had prints of a boot, or something, on her back? A. I don't know, sir, as I could tell you the name of her. The names, — I never kept the names.

Q. Did you ever know her name? A. Yes, sir; I knew her name when I was in there, but I don't know it now; I have forgotten.

Q. What was the matter with this woman you say came there and only lived six hours? A. That is the patient.

Q. That is the same one? A. Yes, sir; the one that only lived six hours was the one that was beaten so inhumanly.

Q. The one that said she was beaten? A. Yes, sir; the one that said she was beaten.

Q. Did you have any other evidence she was beaten except what she said? A. Yes, sir; she was all black and blue.

Q. All black and blue? A. Yes, sir; and I went to Mr. French, myself, about it, and he said "Oh, nonsense," said he. "It is all nonsense."

Q. You asked him about it at the time? A. Yes, sir; I asked Mr. French about it at the time. He used to come over often to visit the patients.

Q. Now, what was Mr. French's business at that time? A. He had charge of the one-half of the insane building.

Q. And that building had females in it? A. Yes, sir; and men too.

Q. Now, you say, she lived about six hours? A. Yes, sir.

Q. What were her symptoms while she was living, and while you saw her? A. She seemed that night — she seemed very sick, and I asked her what was the matter with her. I asked her, said I, "Oh, what is the matter with you; I think you are dying." And she said that Mr. French had beat her almost to death; and she said when he was beating her she fell downstairs, down into the cellar.

Q. Did she have any physician attending her? A. Any physician?

Q. Yes. A. The physician came in there to see her.

Q. During these six hours did she have any physician attending her? A. Yes, sir, the physician came in; Miss Marsh.

Q. Any other physician? A. No; well, there was the day doctor over there, but he was not in while she was sick.

Q. He wasn't there during these six hours? A. No, sir; he did not visit that six hours.

Q. But Nellie Marsh did? A. Nellie Marsh did.

Q. What did you see Nellie Marsh do, if anything? A. She gave her medicine.

Q. Such as what? A. I don't know, sir; I don't know anything about the medicine.

Q. Don't know anything about the medicine? A. No, sir; they had a powder they gave.

Q. Do you know anything about what she did; what did she do to relieve the patient, if anything? A. She gave her medicine.

Q. Didn't rub her? A. We rubbed her.

Q. Did you call the attention of Nellie Marsh to this foot-

print on her back? A. I didn't know it till we came to lay her out.

Q. You didn't know it till you came to lay her out? A. No, sir.

Q. And the fact she told you she had been kicked — you didn't take any stock in that till she was laid out? A. We could not see anything; she was almost dead when she was brought in; she was brought in in a box.

Q. You didn't take any stock in the story that she had been kicked by Mr. French, and knocked down stairs, till after her death, when you found this black and blue spot on her back?

Gov. Butler. The lady don't understand what you mean by taking stock.

Mr. Brown. Don't interrupt her.

Gov. Butler. I will if I think she does not understand your question.

The Witness. We looked at her and saw she was black. We sent for Miss Marsh as quick as we could to come down, and she came down and gave her medicine, and we tried to do all we could for her, but she didn't live but a little while.

Q. Let me ask you again, so that there will be no misunderstanding, — did you discover her black and blue condition before she died? A. I saw she was all beaten; but after she died, you know, we could see more plain on her.

Q. When she first came in, the black and blue spot didn't show? A. Oh, yes; it did show; but it showed more after she died.

Q. How did it look? A. It looked as though she had been beaten.

Q. Just draw on a piece of paper the shape of that black and blue spot. A. No, sir.

Q. Here is pencil and paper. A. No, sir.

Q. You wont undertake to do it? A. To draw a black and blue spot?

Q. To draw the shape of it. A. I don't know how.

Q. Draw the shape of it, will you? A. Didn't you never see a black and blue spot on any one?

Q. Will you draw the shape of that black and blue spot? A. No, sir.

Q. Can't you? A. You can draw it; but I am not used to drawing spots of black and blue.

Q. You don't care to undertake it? A. No, sir.

Q. How large was it? A. It was the prints of a boot. You know how large a boot is.

Q. It would depend on the size of the boot. A. Perhaps the boot was small. Some people wear a smaller boot, and some a larger one, and Mr. French hadn't a very large foot.

Q. He had quite a small foot? A. Yes, sir.

Q. And this was a small spot? A. Yes, sir; it was quite a big spot; it was not a very small one.

Q. How large; as large as the palm of your hand? A. Yes, sir; it was as long as that [illustrating]; right on her side.

Q. Right on her side? A Yes, sir. That isn't the only two, however; they was almost every one of them pounded.

Q. How many were there pounded? A. Lots of them. I never counted them, but I know there was a great many of them came in beaten.

Q. Pounded? A. Yes, sir.

Q. Beaten? A. Yes, sir.

Q. They told you so? A. Yes; and for another thing I could see for myself; I saw the black and blue spots where Mr. French choked them, and I asked him about it. I said, "Mr. French, how came these women choked; the prints of somebody's hands on their necks?" He said, "Nonsense"; that is all you could get.

Q. That is all you got? A. Yes, sir.

Q. That was a constant occurrence? A. Yes.

Q. Whose attention did you call to this? A. Well, I called attention enough to come up here and tell it here, here to the State House, before I went home — that these people was being treated awful bad.

Q. Before you went home? A. Yes, sir; before I went home. After I left there I came up to the State House.

Q. Wait one moment; let us see where we are. When was it you came here to the State House? A. Six years ago, it will be, in July.

Q. That was after you left Tewksbury; A. Yes, sir.

Q. But you didn't say anything about it while you were connected with the institution? A. I was at Tewksbury, and I couldn't say anything about it; but I told them when I came in here I should tell just how they treated them.

Q. That is to say, you told the people at Tewksbury, when you left, you purposed to come in here and tell these stories? A. Yes; to tell how they were treated.

Q. How came you to tell the people at Tewksbury what you purposed to do in the future? A. Because the people was treated so, and they didn't try to do anything about it.

Q. What was your object in telling the people at Tewksbury what you intended to do in the way of telling these stories at the State House? A. Because I said I should tell it, because the people was not treated right.

Q. You didn't discover that the people hadn't been treated right till you were discharged, did you? A. Oh, yes, sir; I I discovered it.

Q. Did you ever tell any human being about this treatment till after you were discharged from Tewksbury? A. Yes; many people.

Q. Who? A. In the institution.

Q. Name one. A. They are not there; what is the use of naming them?

Q. Name a human being to whom you ever told these stories before your discharge from Tewksbury. A. There is a lot of them that was in Tewksbury; I don't know where they are now.

Q. Will you name any one person to whom you told any one of these stories before you were discharged from Tewksbury? A. Yes; there was plenty of them.

Q. Name one. A. There was a woman who was over the washing and ironing.

Q. Name her. A. I don't know her name; I don't know their names.

Q. Can you name a single human being to whom you told this story before you were discharged from Tewksbury? A. Yes, sir; plenty of people who was there was told it.

Q. Name one. A. I don't know as I could tell their names.

Q. In other words you can't name one? A. I am not a hand — Where is the night-watch who was there when I was there? I don't know what his name is; he was there most of the time I was there. Ask him if I didn't tell him how the people was treated I don't know where he is, or anything about it.

Q. Don't know his name, either? A. Who was the night-watch there so long?

Q. Never mind that; you had better rely on your own recollection. A. I can't recollect.

Q. You had considerable trouble when you left? A. No, sir.

Q. You were discharged for incompetency and bad temper? A. No, sir; I don't think anybody discharged me for bad temper.

Q. You are always amiable? A. No, sir; I don't say I am so amiable, but I am not very bad tempered.

Q. You were amiable at Tewksbury? A. I don't think I ever got put out at any one; I don't know as I did.

Q. This cruelty didn't disturb your temper? A. Cruelty,— of course the people was there,— I didn't say anything about it.

Q. Didn't arouse your indignation? A. When we saw the people treated bad, of course we had to bear it. If you are going to stay in a place, you have got to bear what is there.

Q. Now, won't you tell me why it was that you didn't quietly, some night, sit down and write a letter to any of the trustees of this institution, smuggle it into the mail — A. Because, I will tell you. Your trustees come out there, and you think they were all right, no matter what was done.

Q. The trustees, or who? A. The trustees was all right. They come out there, and if you had went to them and told them anything, they would have said it was not so. Now, that is the way with all trustees. And you can make up your mind to that yourself. When the trustees was coming, we got up at four o'clock, and slicked the house up so the trustees would be all right, and they would come and get their dinner and get all they wanted, and that is all they came for. I am not afraid of no trustees, nor nobody. That is the truth, and I am not afraid to meet my Father up in heaven for anything I have said here about Tewksbury.

Q. Now, won't you answer my question, if you can; why didn't you convey to these trustees this information about this cruelty? A. Because we would be turned out of the house; that is just the truth.

Q. Why didn't you come here and tell somebody at the State House, while you were there, and before you were discharged?

A. Because, I will tell you: When we are living in a place, we are obliged to keep it to ourselves, all that is going on; afraid we will be turned out of doors; that is just the reason. The servants is obliged to keep everything to themselves; but now I am not afraid to tell. The people come there, — and it is just so in every institution I have lived in, and I have lived in a good many, and it is just so.

Q. And you have always done the same in each one? A.

All slicked up. No, sir; I am not afraid to go back to any I ever lived in, and nobody in Tewksbury ever saw me out of temper. No; that is a great story, whoever told it; I don't care who told it. Mrs. Marsh was afraid that somebody would see something that they hadn't ought to. That is what I was sent out of Tewksbury for. So, now, you may put that down. Mrs. Marsh, the lady of the house, was afraid we would see something we hadn't ought to see, and was too cunning for her; that is just what is the matter.

Q. That is, you were too cunning for Mrs. Marsh? A. Yes, sir; that is just what was up. Now, you may fix that the best you can. Now, there is the doctor, — what is the doctor's name who was there?

Q. You must inform me. A. I can't remember names at all. The doctor that is there now?

Q. Is that the man, this gentleman here? [To Dr. Lathrop.] Stand up, doctor. A. That is the one.

Q. That is the one; now, what have you got to say to him? A. Didn't you say I done my faithful duty?

Mr. Brown. You need not answer, doctor.

The Witness. And Mrs. Marsh was only afraid that something would be said that was not right?

Q. Now, let me ask you, did you ever hear any complaint like this, — while you were at Tewksbury, and when you were discharged, — that you were discharged because you were thought to be a little cranky? A. I don't know what I was discharged for; I asked the doctor.

Q. You never heard that charge made against you that you were a little cranky? A. No, sir; I never heard it before. I asked the doctor what I was discharged for. There he is, and if he can tell the truth he will say so.

Q. (By Gov. Butler.) Now, you can tell what the doctor said to you when you left. A. The doctor said I was a good nurse, and kept my place the cleanest of anybody there. Now, he is sitting there, and he can tell. He said that he was sorry that I was going, and now he is sitting there, and he can tell for himself. And he gave me a splendid reference, and I carried it, and that is the way I got my place.

Q. Gave you a splendid reference? A. Yes, sir; he did.

Q. Have you got that now? A. I don't know, sir, whether I have got it now or not, but I did have it.

Gov. Butler. If you have it I wish you would send it to me.

Mr. Brown. What is that?

The Witness. I say that the doctor gave me a nice reference, and I got the place I am in now under it, and got the place to the Young Ladies' Christian Association, — from Tewksbury; that very gentleman that is there; I didn't know him before.

Q. (By Gov. Butler.) He gave you a written recommendation, on which you got your present place? A. Yes, sir.

Q. And you have been in your present place ever since? A. Yes, sir; ever since.

Q. Now, when you came away you say you came here to this State House and told somebody about these same things, this cruelty you have been telling about here? A. Yes, sir; I told Mr. Sanborn. Mr. Sanborn was in the place, and I told how cruelly the people were treated out there; and he said —

Q. In what place? A. At Tewksbury.

Q. What did Mr. Sanborn say? A. Mr. Sanborn, — of course, I thought him a nice gentleman; I thought he was splendid, myself. He said, where would I be to be found, perhaps, some time; and I told him I was going Down East.

Q. You told him where you were going? A. Yes, sir.

Q. You told him these things, and he said where will you be found, so I can send for you by and by? A. Yes, sir; if anything should take place.

Q. Were you ever sent for? A. No, sir, never; this is the first time, the time I got the letter from you to come to you, that ever I heard anything about it since.

Q. You never heard anything about it since, till you got a letter to come to me? A. No, sir.

Q. Now, I understood you to say, Mrs. Calder, that you told Miss Helen Marsh, the doctor, about these things: is that correct? A. Yes, sir; I did.

Q. Now, you were saying something about that Mrs. Marsh was afraid that something would be seen that she didn't want seen? A. Yes.

Q. What was that? A. I saw she was afraid we might tell something we hadn't ought to; that is all the matter with Mrs. Marsh; that was the reason. I told something about their bathing.

Q. What was that? A. They didn't change the water they bathed the people in, over to the hospital, and I scolded about it, and said it ought to be changed.

Q. Let us see about this; didn't change the water that people bathed in? You don't mean to say they made a lot of sick patients bathe in the same water? A. A lot of them had to bathe in the same water, and I scolded about it, and Mrs. Marsh got mad, and from that day she was always mad at me. I know that myself, and I tell the truth.

Q. Did you see them bathe? A. I bathed them, — helped to bathe them.

Q. Now, just tell us about that. A. The water that they bathed in was not changed. They would bathe a dozen or so, and I said it was wrong, that the people ought to have the water changed, for there was plenty of water, and they ought to have it changed.

Q. That is to say, a woman had any disease, she was put in the water and bathed, or went into the water to bathe, and then, after being bathed, others were put in the same water, and so on? A. Yes, sir; and then the rest would be put in the same water.

Q. No matter what their diseases were? A. No, sir; and I didn't like it. I said it ought to be done different.

Q. Children so? A. No, sir; I had a bathing-tub while I had the children, and bathed the children myself, with my own hands.

Q. In separate water? A. Separate water, every one of them.

Q. How many would be bathed, one after the other, in the same water? A. Well, we would bathe five or six, sir, in the same water.

Q. Did the patients use to like to get into the same water other people went into? A. I suppose the poor stupid creatures didn't know anything better; somebody that took care of them should know better.

Q. Were they the insane women? A. Part of them.

Q. Would the people that would be bathed in the water have sores? A. Yes; a great many of them had sores.

Q. Would you see anything floating on the water that came from the sores? A. Oh, no, sir; I didn't see anything floating on the water.

Q. Was it in the water? A. Yes, sir; and I know when

it was time to change the water, bathing patients, for I have lived in bath-houses.

Q. And you complained of that? A. Yes, sir.

Q. To Mrs. Marsh, the matron of the establishment; you mean old lady Marsh, now? A. Yes, sir; the old lady herself.

Q. And she didn't like your telling that? A. No, sir.

Q. How often was Mrs. Marsh, the matron, in your room? A. Was she in my room?

Q. Yes. A. Well, she wasn't very often in; she didn't come in very often.

Q. About how often; once a month? A. About once a month or so.

Q. Stay a good while when she came? A. No, sir. Not very often; she used to come down once in a while to see the babies.

Q. Did she see this bathing of the insane in the same water? A. No; she didn't see it; and she didn't like it because I told her.

Q. Because you told her? A. Yes, sir.

Q. (By Mr. Brown.) Where did this bathing take place? A. Took place in the large hospital, down in the bathing-room.

Q. In the bathing-room? A. Yes, sir.

Q. Faucets there, — the water ran through the faucets into the bath-tubs? A. Yes, sir.

Q. Hot and cold water? A. Hot and cold water.

Q. And you had charge of the bathing? A. There was three of us had charge.

Q. You were one of them? A. Yes, sir; and there were two others.

Q. (By Gov. Butler.) Why didn't you change the water? A. Because I didn't dare to for the other nurses, the other women.

Q. (By Mr. Brown) Didn't dare what? A. Didn't dare do it, because I wasn't the head one over that institution; there was two over me.

Q. Didn't dare turn a faucet and let in some clean water? Didn't dare to let out the water and get some clean water for the patients? A. No, sir; because there was two women over me and they pretended to carry it on; and I told them that they hadn't ought to do it.

Q. Wasn't this the fact, that you were too lazy to turn on

the water, and when that came to the attention of Mrs. Marsh she made a complaint about that? A. No, sir; it was not; I was never called lazy.

Q. Can you read or write? A. Yes, sir; I can read as well as anybody, but I can't write; I don't deny it.

Q. Can't write? A. No, sir. It don't make no difference about that; I didn't have no writing to do, and I don't tell no stories for nobody. That is all they have got to tell against me, because I don't write. No matter. I can write a little; but I would be ashamed to write, because I was left a little baby; left, when I was a baby, without any father or mother; and I had to get my living in the world the best I could, and there was not many schools Down East. But that is all they can say agin me. And they can lie as much as they want to; but the Marshes ought to have been pitched out of that long ago.

Q. And if there is anything you can do to pitch them out you propose to do it, don't you? A. I propose to do it; yes, sir; and I will tell no lies about it, for there is a great God watching everybody in this building, and if they lie it comes on themselves.

Q. You are going to considerable trouble and giving considerable time to have them pitched out. A. No, sir; this gentleman sent for me.

Q. You intend to devote your time to this pitching out, don't you? A. I intend to tell the truth.

Q. You intend to devote your time to this pitching out, don't you? A. I know just what it is. I want the poor crazy treated as they ought to be, because I think it is a great sin to abuse a poor insane person, and I want them treated well; and I want to tell what I know about it. But I dared not tell when I was in the institution. I want to tell you the truth.

Q. You hadn't the moral courage? A. No, sir; I didn't like to, because I would have been pitched out; you know I would yourself. I am not afraid of you. I didn't come here for nothing. I came here only to tell the truth. I don't want a thing of any of you.

TESTIMONY OF GEORGE H. INNIS (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name? A. George H. Innis.

Q. Are you one of the State district police? A. I am, sir.

Q. How many years have you been so? A. I have been so for eight years — eight or nine.

Q. Were you detailed to aid me in looking up evidence for this investigation? A. I was, sir.

Q. Whether you took charge, under my direction, of a party to go up and dig in a place which should be indicated to you by Mr. Chase? A. I did, sir.

Q. What was the indication that you were to find where to dig? A. Where to dig?

Q. Yes, sir. A. I went there and found a branch of a tree laid over a grave that Mr. Chase told me he had laid there. He had been there before and found the grave, and told me what was in the grave, and laid the branch of a tree on the grave. I went there and found it, and went into the grave and dug it up.

Q. Was there a cross on the grave? A. There was, sir.

Q. Any name on the cross? A. Yes, sir.

Q. What was that name? A. "Joseph Parks, October 20, 1879."

Q. Did you take some assistants with you to dig? A. I did, sir.

Q. Did you see the grave dug into — or the place dug into? A. Yes, sir.

Q. Did you strike the box or coffin? A. Yes, sir.

Q. About how deep was the grave? A. I should say about four feet and a half; it may not have been quite as deep as that.

Q. Won't you describe what happened while you were digging? A. While the party was in the grave digging, the top of this coffin broke through and his foot went into it. I asked him to put his hand in there and see what was in it. He did so. I got down on to the edge of the grave and looked in and found it contained nothing. I told him to take it up, and he did so. After it was up I put my hand into it and also looked into it, and there was nothing in it but a little old straw. I afterwards filled the grave up, took the box, did it up in gunny cloth and brought it to Boston.

Q. And also did you take the cross? A. I did.

Q. Was there anything in this grave at all, except this empty coffin? A. Not a thing.

Q. Have you got both the cross and the coffin to be produced here? A. I have, sir.

Q. Anybody can see it who wants to see it? A. Yes, sir.

Gov. Butler. If the committee please, I bring this in as corroborative of Mr. Chase's story. I will or will not produce the coffin, as the committee choose.

The Chairman. I suppose the fact that it was empty is the essential fact that you desire to prove?

Gov. Butler. And the, — it would be a little strange to see the class of the boxes, but that don't make much odds, — and the fact that we will bring in in the morning, in order to identify the body. If I get the books I will bring in the head-board, the cross-board, with the date upon it.

The Chairman. The committee can go down and see it.

Gov. Butler. They will find it in the room right under this, if any gentleman desires to see it.

The Chairman. I won't trouble you to bring it in. It seems to me it is not necessary to bring it in.

Cross-examination.

Q. (By Mr. Brown.) Mr. Innis, did Mr. Chase go with you when you took this up? A. He did; yes, sir.

Q. He had been there before? A. So I have been told.

Q. How came he to put a twig on the grave? A. That I don't know. He came to me and told me.

Q. You don't know anything about what for? A. To let me know where it was, I take it. He told me it was there that I would find the grave.

Q. You don't know when he went there to put the twig on? A. No, sir; I don't.

Q. Had you ever been in that graveyard before? A. Never.

Q. Any of your force been out there before? A. I could not say.

Q. Any of your force been up there in the night, lately, with dark lanterns? A. Not that I know of.

Q. Do you know whether anybody has been sent from your force up there into that graveyard, in the night, within two weeks, with lanterns? A. I do not.

Q. Don't know anything about it? A. No, sir.

Q. And you have not been there yourself? A. No, sir.

Gov. Butler. I would like to ask Mr. Chase a single question, if you will allow me.

JOHN H. CHASE (*recalled*).

Q. (By Gov. BUTLER.) Was it by daylight or in the night-time that you went up there? A. In the daytime, sir.

Q. In the daytime? A. Yes, sir.

Q. And found this grave? A. Yes, sir.

Q. On the day it was taken up? A. No, sir; before that, —previous to that.

Gov. BUTLER. Before the committee adjourn, I desire to ask the committee whether I shall have those books. I have had the promise of them two or three times.

The CHAIRMAN. Your Excellency, the books have all been delivered, as stated by the clerk, back to 1870.

Gov. BUTLER. Well, where are they?

The CHAIRMAN. I suppose they are delivered to your Excellency's office. They were brought in yesterday.

Gov. BUTLER. I want them especially during the time of the adjournment. I may have to ask the committee to adjourn for a day or two while I examine them.

Mr. BROWN. They were delivered yesterday to Mr. Tucker.

Mr. WRIGHT. We received them yesterday afternoon.

[Adjourned until Wednesday, April 11, at 9 A. M.]

EIGHTH HEARING.

WEDNESDAY, April 11.

The committee met in the Green Room at 9 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. A quorum of the committee is present and we are ready to proceed.

TESTIMONY OF FRANK BARKER (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Barker, what is your full name? A. Frank Barker.

Q. When did you go, if ever, to Tewksbury? A. Yes, sir.

Q. When? A. I think I went there in the year 1876, in June — the ninth day of June.

Q. When did you leave? A. I left in 1879, in the last part of July; I am not positive about these dates.

Q. Somewhere in that neighborhood? A. Yes, sir.

Q. Where are you engaged now? A. At Salem.

Q. What doing? A. I have charge of the almshouse there.

Q. Is it the city almshouse? A. Yes, sir.

Q. How long have you been there? A. About three years; three years the first of May.

Q. Do you remember some time in 1876 a man that — oh, what was your employment, sir? A. Where? At Tewksbury?

Q. Yes, sir. A. I had charge of one-half of the insane building; that is, they called it supervisor of the insane.

Q. In 1876, do you remember looking after a man who had died and was supposed to be buried in his grave? A. No, sir; that was not my business — burying them.

Q. I know it was not your business. But do you remember a man who died, when you had occasion to see, or to examine his grave to see if he was there? A. Well, I remember of his dying.

Q. Yes, we have heard of that. But I want an instance where you found a man's grave, and you ran a stick into the grave and found there was a box there. Do you remember that occasion? A. I think I do; yes, sir. I remember that; yes, sir.

Q. Was the grave fully filled up? A. I should judge there was about six inches of loam over the box, or coffin.

Q. Six inches of loam over the coffin? A. I did not measure it, but I should think so.

Q. You ran a stick down and found the coffin there. Do you know anything that happened to that coffin that night? whether it was there, or not, afterwards? or did you see anything about it? A. I am not supposed to tell what I think, am I?

Q. No, Mr. Barker; I do not want what you think; but did you see two men anywhere around the grave? A. I did, sir.

Q. You did. Well, what were they doing there? What did they do? A. Well, they took something out of the grave and put it into a wagon.

Q. What did it look like? A. It looked like a human being.

Q. After they put it it into the wagon, where did it go? A. I don't know, sir.

Q. Whether they drove away, or not? A. Yes, sir; they drove off of the ground, out into the road.

Q. Did you know the wagon? A. Well, the wagon — no, I don't know as I noticed that wagon that night any more than it was a common express-wagon, covered.

Q. Did you know the driver, or either of them? A. The driver; one of the men was Mr. Manning; the other I didn't know.

Q. Was the wagon the same that he used? You saw the one he was using, I suppose? A. I saw one in his stable there a number of times.

Q. Was it the same one? A. It looked like the same one; yes, sir.

Q. I don't know whether you could see afterwards whether the corpse was gone, or whether you were satisfied by what you did see, what he was after? A. Well, I looked with curiosity for myself, and not for others. I did not suppose it was coming up. I didn't know as anybody else saw me down there, or in

the neighborhood. I went down the next day and it was gone. I had curiosity to satisfy myself, that was all.

Q. When you went to take charge of the insane ward, how did you find the beds, as to their being in proper condition? A. Well, sir, I found the beds in the female part that we had charge of in very good condition — what you might call good: in the male part they were not.

Q. Well, what was the matter with them? A. I am now talking of the insane department.

Q. That is what I am talking of. A. The building we had was a quarter male and a quarter female, and included half of the male insane: the ones I am talking about now. The beds were poor; they had not been properly seen to; on the female side they were remarkably good.

Q. But on the male side you say they were poor. What was the matter? A. Well, the ticking was poor and the straw was fine. Some of them were filthy, and a great many of them were full of bugs.

Q. What kind of bugs? A. I called them bedbugs.

Q. What do you mean by being filthy? A. If a patient is filthy, and does his business in the bed instead of in a vessel —

Q. They were in that condition? A. Yes, sir.

Q. Any considerable portion of them in that condition? A. I think about one-quarter of them were what we should term filthy patients; many of them were patients that had fits. I think we had thirteen in our half of the building that had fits, at one time.

Q. Do you know anything about the bathing there? A. Bathing?

Q. Bathing. A. Yes sir; I bathed them all nearly nine months, and the first season I didn't have any help.

Q. How many people have you known bathed in the same water without change? A. Well, I have known eighty-four. Perhaps I ought to explain.

Q. Well, tell us all about it. This committee would like to have a little explanation about that, perhaps. A. We had what we called a pond. I should judge it might be ten or fifteen feet square, with a foot and a half, or perhaps a foot, deep with water. Then we heated that by steam. We had those boilers in the house that heated the building and we heated this water with that boiler. Then we used to put them in there and bathe them.

Q. How many were bathed at a time? A. Well, we put in perhaps ten or fifteen; I don't know just how many, but perhaps ten or fifteen. After they came out we would let some more go in.

Q. Well, the same water? A. Yes, sir.

Q. Were those people afflicted with cutaneous diseases, some of them? A. Well, sir, I am not a judge of that.

Q. Did they have running sores? A. Sometimes they would have sores. I did not see them; I don't know but there was.

Q. Why didn't you change the water? A. Why didn't I?

Q. Yes. A. Why, we were supposed to do our work. If we changed the water it would take a century to bathe those inmates — couldn't do it.

Q. Could not do it? A. No, sir.

Q. Did any of them make any objection to going in there? A. Oh, yes, sir. I seldom ever knew many inmates that ever wanted to bathe in any place I was ever in.

Q. Did some of them make objection there, and were they put in by force? A. Yes, sir: we forced a good many to bathe. I don't mean that we forced them by licking them or anything of that sort.

Q. But you put them in? A. Took them and put them in to keep them clean.

Q. You put them in, one after the other, into this water? A. They used to go in — I have seen ten or fifteen; I don't know just how many, but I should judge ten or fifteen — they would undress, those patients, and go in themselves.

Q. The old patients would, and the new ones didn't care to? A. Perhaps we had twenty-five or thirty whom we would have to bathe to keep clean. It was a good deal of care.

Q. Did you use soap? A. Yes, sir.

Q. Will you tell me now whether there went into this — was there anything else in this pond except soap and water? A. Yes, sir; I suppose it was full of filth: with as many men as that bathing in it there would be more or less dirt.

Q. That is the way they were kept clean? A. Yes, sir.

Q. While they were kept clean in one way have you seen these people with vermin upon them? A. Yes, sir.

Q. To how considerable an extent; how far? A. Do you mean the number of inmates who had them on?

Q. No, sir. To what extent were the vermin upon them?

Were they full of vermin? Did they have sores from them? A. I think we had one man there when I went there who was very bad.

Q. What sort of an inmate was that? You are now speaking of the insane, I suppose? A. Yes, sir.

Q. When you say he was very bad, what do you mean? Describe it to the committee. A. I mean that the patient's head was so full that they had eaten sores in his head.

Q. Do you remember while there a woman by the name of Charlotte Anderson or Andrews? If you remember the one I am talking about, was she confined with child? A. Charlotte Andrews?

Q. Yes; some such name as that. A. I think there was no such name as that. I think there was a Charlotte Anderson.

Gov. BUTLER. I got it pretty near.

The WITNESS. I don't know as I understood the question you asked me.

Q. Do you remember that woman? A. I remember her; yes, sir.

Q. Was she an insane person? A. Yes, sir.

Q. How long had she been there, do you know? A. I don't know, sir.

Q. About how long? A. I don't know anything about when she came there; she was there when I went there.

Q. How long after you went there did she have a child, or was she confined? A. Well, I do not just remember; it was sometime after I went there; sometime during the summer, I think; I am not positive about these dates.

Q. Well, she was confined and was brought to bed with child, was she? A. Yes, sir.

Q. When she was brought to bed in her sickness, who did she say — where did she say she got it? A. How is that?

Q. Well, when she was confined in her sickness, where did she say she got the child?

The CHAIRMAN. Wait a moment. Is this the case that was reported upon in the investigation of 1876?

Gov. BUTLER. I really don't know, sir.

The CHAIRMAN. There was a case; there were one or two cases investigated then, and it was a part of the record. I don't know whether the committee care to go into it or not.

Gov. BUTLER. All I can say, sir, is that I don't know what

was done in 1876. I heard the record read, and it was principally about ventilation, so far as I could see.

The CHAIRMAN. There was one charge of bastardy, and the report was that the charges were not sustained.

Gov. BUTLER. I should suppose very likely, sir.

The CHAIRMAN. By the legislative committee.

Gov. BUTLER. Nothing more likely than that, sir.

The CHAIRMAN. The order under which we are acting contemplates the investigation of present abuses.

Gov. BUTLER. I trust not, sir —

The CHAIRMAN. Now, how far we shall go into these old matters, is for the committee to say.

Gov. BUTLER. I trust not, sir. I have not come into any such investigation as that, sir. It would be quite necessary —

The CHAIRMAN. If your Excellency will allow me to read the order, it is, "that the committee on Public Charitable Institutions investigate the management, control and present condition of the several public charitable institutions."

Gov. BUTLER. Yes, sir.

The CHAIRMAN. Now we have spent a good many days on old matters.

Gov. BUTLER. Quite a good while, sir. If you will be able to restrain yourself for a moment, Mr. Chairman, while I finish what I am saying, I will be obliged.

The CHAIRMAN. Yes, sir.

Gov. BUTLER. It is not present management, but it is "the management and the present condition." That management goes clear back, in this regard, sir: that if the management had been changed, then there was nothing further to be said about that management.

The CHAIRMAN. Suppose that management had been corrected?

Gov. BUTLER. And the only way to correct such management would be to put the men out that did it.

The CHAIRMAN. That may, or may not be so.

This applause must cease, or this room will be cleared. This is supposed to be an investigation somewhat in the nature of a judicial investigation, and approbation or disapprobation of anything said or done in any court ought not to be allowed.

Gov. BUTLER. That is why I think this evidence is competent. It is to show that it has been under the same management for many years, in spite of investigation, and in spite of

everything that could be done or said. We now come to the question of whether this thing shall go on; this management. The management is all there is of any consequence. The question is, whether we shall allow the money of the State to be expended in carrying on this thing in the way it has been carried on, and by the same persons who allowed these things. The mere question of how far they have been corrected, would depend upon the evidence as it shall be developed. But if these things were done in a green tree, what would they do in a dry? Therefore, I think the evidence is competent. If the committee rule it out, however, it will not be my fault that it is not in.

The Chairman. Take this question, your Excellency, of defective or insufficient facilities for bathing, six or seven years ago: suppose it is entirely remedied by a new supply of water and larger facilities for bathing, so that there is no abuse at all in that respect.

Gov. Butler. My view of it is that no want of supply of water, nothing could justify the driving or putting men into filthy water under the pretence of cleaning them, when they had, in addition to their own filth, the suppurating matter which came from other men's sores — I don't believe that men who will permit that to be done, while water flowed from heaven, in rain, are fit to have charge of an institution — and with unlimited means for getting water. Why, it is not a great distance, Mr. Chairman, from there to one of the finest ponds of water.

The Chairman. The Commonwealth and not the management would be responsible for that, would it not?

Gov. Butler. What did you say, sir?

The Chairman. The Commonwealth and not the management would be responsible if there was a defective or an insufficient supply of water.

Gov. Butler. No, sir; until it was shown that application was made for a larger supply, and then had been refused. But I was saying, at the moment of your interruption, that there was, within a short distance of that place, a Commonwealth's pond; one of the great ponds made the property of the Commonwealth, because over ten acres in area, by an ordinance passed many years ago, which has been held to be law ever since: and the inmates could have been taken down there if it had been necessary, certainly in the summer time. I have driven down to the waters of the Pellucid, (?) some five miles from

my home, and bathed there myself. But I don't care to argue the question. If the committee choose to exclude it, I am done.

Mr. Brown. I did not object on the ground that this was old, and I did not object on another ground, which seemed to me proper, on account of the ruling of this committee; but I trust that the committee will now see the error into which they have fallen, and permit me to be very frank in what I say about it. This is an offer of testimony as to what an insane woman said to this witness as to who was the putative father of her child. Now, I submit there is no tribunal known to any law of Christendom that would allow any such testimony to be introduced — none whatever. I challenge His Excellency to find another instance where such testimony would be competent. There is only one instance that I know anything about where anything approaching this would be competent. In proceedings under the bastardy act, where the mother has taken the stand and made her declaration, having filed a preliminary and secondary complaint, she then comes into court on an application to charge the putative father with the support of the child — after she has testified, then other witnesses are permitted to take the stand and show what she said about the paternity of the child during the moment of her travail. No other instance can be found where any such testimony is offered as this; and this is not limited to the hour of travail, and by an insane patient too. If any court in Massachusetts, under the administration of any judge, should allow such testimony as this to be offered, I think His Excellency would say that that court ought to be wiped out of existence, and if I mistake not he would wipe it out very quickly if he could.

Gov. Butler. I agree fully with the learned counsel: there is no precedent for such testimony. The Romans had no law against the child killing his father, because they would not have the law presuppose that the child could do anything — any such thing; and I think, even so far as I know the character of our people, the administration of our institutions, insane institutions, has been such that where they are sent to be kept, they have been so kept heretofore that they were not made breeders of other insane, and therefore there was no occasion to make any declaration about the fact. Having said so much, as it is not very material, — we have got the fact that she was there in that condition, — I will not press the question.

Q. Now, Mr. Barker, did you ever know of any apples being

shipped from Tewksbury to Exeter — or transported? I used the word shipped in the popular sense. A. No, sir.

Q. Started for there? Of course you did not follow them.

The CHAIRMAN. Answer the question, if you know, Mr. Witness.

The WITNESS. I saw five barrels of apples, I think on a wagon, going to the Boston and Maine depot.

Q. (By Gov. BUTLER.) Who caused them to be put on? A. A. I do not know, sir.

Q. Where did they go from? A. They started from the almshouse.

Q. All on one load? A. Yes, sir.

Q. If I remember, the Boston and Maine Railroad runs through Exeter? A. I think it does, sir.

Q. And to whom were they directed? A. I do not know, sir; they were directed, "Exeter, N. H."

Q. Directed to Exeter, N. H. A. Yes, sir.

Q. But you don't know — do you know any other name upon them? A. I don't know but there might have been, but I don't remember now.

Q. Do you remember they had some other direction? A. I remember they were marked — that was on them.

Q. When was that, sir? A. I don't know as I remember. I think it was in 1876. I won't be positive whether it was in 1876 or 1877.

Q. Had you seen these barrels of apples before you saw them on the wagon? A. No, sir.

Q. What time in the year was it? A. It was in the fall — about October, I think.

Q. Did you raise apples upon the farm? A. Yes, sir; they raised a great many that year.

Q. One moment: about this wagon, so as to identify it — have you ever seen blood and slime upon it? A. I have seen that; yes, sir.

Q. More than once? A. Perhaps two or three times. I seldom ever went to the stable.

Q. You saw it in his stable? A. I saw the slime and blood on the wagon when it was in the stable.

Q. In the stable? A. Yes, sir.

Q. But you did not often go to the stable? A. No, sir.

Cross-examination.

Q. (By Mr. Brown.) Where was this grave that you speak of? A. In the graveyard.

Q. Whereabouts in the graveyard? A. Well, it was in the north-east corner, about middle way down the yard.

Q. And when was this? A. Well, I think I told you I did not remember the date. I think it was in 1876. I don't remember the date.

Q. Can you tell whether it was in 1876 or 1877? A. No, sir.

Q. You don't know why the body was taken up? A. No, sir.

Q. Don't know anything about it? A. No, sir.

Q. Don't know what was done with it? A. No, sir.

Q. Well, those patients that you spoke of, who were filthy, were filthy because of the nature of their disease, were they not? A. Yes, sir.

Q. And this pond that you spoke of was constructed in such a way that you could let a greater or less amount of water into it at any time, was it not? A. No, sir.

Q. How was it arranged? A. I said it was about ten or fifteen feet in dimensions, and was filled with water a foot and a half deep. I never measured it.

Q. How did you fill it? A. Filled it with water.

Q. I know; but what were the appliances with which you filled it? A. Well, we had a faucet and we let the water into it.

Q. So you could let in more water still? A. No, sir.

Q. Why not? A. If you did, it would run over; if you let in too much.

Q. Why not let out some and let in clean? A. What good would that do? Unless you washed the pond out that filth would stay on the bottom.

Q. Why didn't you wash the pond out? A. Well, there are impossibilities in this world. We had to let the water out, of course.

Q. Well, let us see; was this pond in your department? A. It was there when I went there.

Q. It was in the department in which you did the bathing? A. Yes, sir; two of them.

Q. Two of them? A. One in the male, and one in the female wards.

Q. One of your duties as supervisor of the insane was to look after bathing the patients? A. Yes, sir.

Q. To look after the water? A. Yes, sir.

Q. And to see that everything was attended to in a proper and orderly manner, I suppose? A. Yes, sir.

Q. And did it strike you at the time that it was not proper for these people to bathe in this pond? A. It did, sir?

Q. Why didn't you put in some more clean water?

The Witness. I must ask the chairman of the committee if I am obliged to answer such foolish questions.

The Chairman. I don't quite see that it is foolish.

The Witness. I do. But if you say I must answer them, I will answer them the best way I can.

Gov. Butler. Answer them the best way you can, sir.

Q. (By the Chairman.) If you will, state just how this pond was made. A. I have, twice, sir.

Q. I would like to have it again. A. Well, sir, the pond was about ten by fifteen feet, and a foot and a half deep.

Q. Was it level? A. No, sir; very near; a little slanting, so that the water would run off.

Q. Was it cemented? A. I think it was bricked first, — I am not very positive, — and then cemented over with hard cement to make it water-tight.

Q. How was it drained? A. It was drained by a sort of sluice-pipe that went down into an under-drain, and went off. I don't know where the drain led to.

Q. Could it be drained like an ordinary bath-tub? A. In the same way.

The Chairman. Now you may answer the question put by Mr. Brown.

Q. (By Mr. Brown.) Now, when you had drained that, you could clean it out and sweep it out, if you wanted to? A. Yes, sir.

Q. And fill it as full as it would hold? A. Yes, sir.

Q. And let it out as often as you saw fit? A. Yes, sir.

Q. And yet you permitted eighty-four people to bathe in it without putting in fresh water, did you? A. Yes, sir.

Q. Why did you do it? A. Well, it is very easy to tell you. We were supposed to bathe these men once a week. In order to do that, — I never tried it, — in order to bathe one man in

separate water, — you never could do it in that pond; never could fill it; it would take nearly twenty-four hours to heat the water, unless you wanted to bathe them in cold water. Perhaps you do. It would take about twenty-four hours per patient. We had eighty-four patients, and if you took twenty-four hours for each patient you could not do it in a week.

Q. (By Mr. Chamberlain.) Heat what? A. Heat the water. It was heated from a small boiler we had to heat it with; the same boiler that we heated the building with.

Q. (By the Chairman.) With the facilities you had for bathing did you do the best you could to keep those people clean? A. Yes, sir.

Q. (By Mr. Brown.) You always did that? A. Kept the patients clean?

Q. Always did the best you could? A. Yes, sir.

Q. In regard to the beds, — you always did the best you could in regard to that, considering the nature of the disease of the patients? A. Yes, sir.

Q. You never supposed at the time, or since, — you never regretted or felt that you had not exercised your best judgment and best ability, did you, considering the nature of the disease of these people? A. I don't know that I can tell how I felt. I can tell what I know.

Q. Do you think, now, you neglected your duty? A. I am not thinking, sir.

Gov. Butler. But these patients that you are speaking of were not the patients that he had charge of. I suppose you keep that in mind.

Q. Didn't you have charge of those patients who were filthy? A. I had charge of one-half in the north-east corner of the building.

Q. You had charge of those patients whom you say were in a filthy condition? A. I had charge of some. What I had charge of, under my care, of course I had to look out for.

Q. Now, take the condition of the beds. You have described the condition of those patients. Now, whether or not it was in your judgment possible to have more cleanly beds than were had for use for those patients whom you have spoken of. A. I think there was a chance for improvement when I went there.

Q. You did improve, while you were there? A. Yes, sir; I thought I did. Perhaps others might differ.

Q. Well, you tried to do your duty? A. Yes, sir.

Q. Now, this Charlotte Anderson. I don't exactly understand about her. Did she die while you were there? A. I think she did, sir.

Q. You don't know anything about these apples, where they went, or whose they were; how they were marked, or anything of the kind? A. No further than what I have stated.

Q. And when was that? Do you think sometime in 1876 or 1877? A. Yes, sir.

Q. Can you fix it more definitely? A. No, sir. I thought it was none of my business, and did not try to remember. I was down to the station to go to Lowell. I was there, and saw them.

Q. You saw them at the Boston and Maine depot? A. Yes, sir.

Q. And you also saw them loaded at the almshouse? A. No, sir; I saw them there loaded.

Q. You saw them on the team at the depot? A. I saw them on the team at the almshouse, and I saw them at the depot.

Q. (By Gov. Butler.) What is this about your seeing them at Lowell? A. No, sir; I saw them at the depot as I went to Lowell.

Q. (By Mr. Wolcott.) Did you say they were marked "Exeter?" A. Yes, sir; "Exeter, N. H."

Q. How were they marked? A. On a card, with a lead-pencil.

Q. Anything else on the card? A. I don't know as there was. This has occurred to me within a very few days.

Q. You don't remember whether there was anything else of that character except "Exeter, N. H."? A. No, sir; I do not.

Q. (By Mr. Gilmore.) Were there any other facilities there for bathing except this "pond"? Any single bathing-tubs? A. No, sir; there were not at that time. I won't be positive but what there was one there for the officers; I won't be positive about that; I think not, but I won't be positive.

Q. (By Mr. Chamberlain.) Mr. Barker, from your knowledge of such institutions, is it not a fact that there will be a great many beds that will be perfectly filthy every morning, whatever you may do the day before; I mean the condition of

the patient is such that the bed is perfectly filthy in the morning when you go to it? A. Well, yes, sir; I think it is.

Q. That is, — you understand what I mean. — that when they wet them down through, the straw will all be wet in the morning. You have that class of patients, I suppose? A. Sometimes we have them; yes, sir.

Q. I thought you were a little sensitive about that tank or water pond. I wanted to get at the very thing which was asked by the counsel, whether you had entire charge of that, and of the bathing of those patients, as I understood you? A. I did. I had charge of them, and I talked with Capt. Marsh a great many times about it, and he said that in time he should try to have them changed. And he did have them changed and have bath-tubs put in.

Q. But at that time, I understand you, when they were used, they were all the facilities which you had to accomplish the purpose of keeping these inmates as clean as you could under the circumstances? A. Yes, sir. That was all we had to bathe them in, was that pond.

Q. Do you think there are a good many more persons employed there than are necessary to keep that institution in good condition? A. I shall have to ask the chairman if he wants me to answer the question about what I think. I don't know as I am here to tell what I think. I am only here to tell facts as near as I can.

Q. That is all right; I won't press the question But when you were there, sir? A. When I was there?

Q. When you were there did you have more help than you needed? A. No; I don't think I did.

Q. If they had been largely reduced you would have been rather cramped, wouldn't you? A. We could not have reduced many.

Q. (By Gov. Butler.) I want to ask you a question or two. I understood you to speak of the beds. You had the women's side of it, didn't you? A. No, sir. I had, — well, a quarter. The building is divided up. In the north-east corner, one-quarter of it, the insane were kept at one time; and the next quarter was for the women. That part I had charge of.

Q. The women's part? A. Yes, sir.

Q. I so understood it. Now, if you will tell me, sir, you said that the beds were good, and you have said nothing against their being clean enough in the women's part. You said, when

you went there, if I understood you, that you found that the beds in the men's part, or the male part, were filthy? A. Yes, sir.

Q. They were filled with straw, I suppose? A. Yes, sir. I don't want to give you to understand that I had charge of the female department; I did not.

Q. But what you did have charge of was women? A. No, sir; what I had charge of was one-half men and the other half women in that part of the building.

Q. Now you say that when you went there, — that is the way I understand it, — not after you had been there, but when you went there, you found these men's beds of straw were filthy? A. Yes, sir; they were, part of them, in a bad condition.

Q. Finding a patient who, from want of a proper condition of body or mind, who dirties his bed, — I suppose it is proper treatment to change them? A. Yes, sir.

Q. Well, had those beds evidently been left unchanged? A. Those that I saw I should think they had, — hadn't been changed for some time.

Q. (By Mr. Putney.) Mr. Witness, at the time you left the institution, in what condition were those beds you speak of? A. Why, I considered them in a first-class condition.

Q. And the same class of patients occupied them? A. Not the same patients, but about the same class.

Q. Then it was possible to have them in better shape than you found them when you went there? A. Yes, sir.

Gov. Butler. I have a question or two, but I don't mean to interrupt the committee.

Q. (By Mr. Putney.) I want to ask you, Mr. Witness, if there was any other way in which you could have bathed those patients and had purer water; have done it in any possible way and accomplished the number that you were required to bathe, and had clean water? A. I don't know of any other way, unless with bath-tubs.

Q. I mean with the facilities you had? A. Oh, not at that time. We didn't have any other way.

Q. So there was no possible way to accomplish the object except to use the water over a number of times? A. No, sir.

Q. How long had it been so, to your knowledge? A. I don't know; I should think, by the looks of it, that it had been

there some time. I had heard them say it had been there ever since the building was built.

Q. (By the CHAIRMAN.) I understood you to say, afterwards, that afterwards Capt. Marsh put in tubs? A. Yes, sir.

Q. (By Gov. BUTLER.) How long afterwards? A. I should say, perhaps, a year and a half.

Q. After you went there? A. After I went there; yes, sir. I don't remember the date; but I should think a year and a half.

Q. Well, I was about to ask you another question; not upon this matter of bathing, but upon this question: It has been asked you whether you could get along with less help than you had. You said you did not want to tell what you thought. The gentleman of the committee asked your opinion, and I want to ask your opinion. You are now at the head of the almshouse at Salem, are you, — the city almshouse? A. Yes, sir.

Q. About how many patients have you there? A. I have about one hundred and fifty, insane and all.

Q. How considerable a portion of them are insane? A. I think we have thirty-two.

Q. Thirty-two? A. Yes, sir.

Q. How many outside helpers have you to take care of those? A. The insane?

Q. Of the whole establishment? A. We have, at present, seven.

Q. Seven; at what price, sir? Yourself, the superintendent, how much? A. Mrs. Barker is matron, and we have $1,000 a year and found.

Q. Well, you and Mrs. Barker both? A. Yes, sir.

Q. And what do the other officers have? A. The gentleman and lady who take care of the insane, have $33 a month and all found — $400 a year; and the clerk, the man at the gate-house, has $25 a month; the farmers, I pay $20 a month; and the cooks and table girls, the attendants, or whatever you might call them, from $2.50 to $4 a week.

Q. And found? A. Yes, sir, all found — and their living.

Q. That is their eating, drinking, sleeping, etc. A. Yes, sir.

Q. What does it cost you? You have been there three years; what does it cost you a year to carry on this establishment? A. The net expense?

Q. Yes, sir. A. Well, I am afraid I am unable to tell you; I have seen it times enough.

Q. Well, about what? A. I think last year it was about $13,000. I am not positive about this; and it is a little more this year because we made a great many changes and improvements inside, and even outside.

Q. Well, what makes it more this year is the improvement of buildings? A. Yes, sir.

Q. But independent of the improvement of buildings, or any construction account, how much does it cost you to carry it on? A. I could not tell you just now.

Q. Over $10,000, independent of construction and improvement? A. I could not answer you definitely.

Q. But $13,000 covers all last year? A. Yes, sir. That didn't include outside help that we get; that is inside the building.

Q. This is what takes care of the institution? A. Yes, sir.

Q. And your average is about what? A. Average of inmates?

Q. Yes. A. I think the average last year was one hundred and thirty-three.

Q. Are you elected yearly, or chosen, or appointed? A. Yes, sir.

Q. By the overseers of the poor? A. Yes, sir.

Q. How late was the last election? A. The first Tuesday in February last.

Q. And that was under a change of city administration? A. Yes, sir.

Gov. Butler. I believe that is all, Mr. Barker.

Q. (By Mr. Brown.) Well, Mr. Barker, you had a conversation with Capt. Marsh in regard to the insufficiency of this apparatus for bathing these people, as I understand you? A. I think so, quite a number of times.

Q. And during the first year and a half, about a year and a half after you went there, you think it was changed? A. Well, I have said about a year and a half; I do not remember.

Q. Don't you recollect a conversation like this with Mr. Marsh; that Capt. Marsh said there was no appropriation to make any change, but as soon as he got an appropriation a change would be made? A. I don't remember.

Q. Well, was it not a fact that after you went there an ap-

propriation was made, and the change was made, and also a further appropriation for a reservoir? A. I think there was; yes, sir.

Q. A reservoir holding more than two million gallons, just up back of the farm? A. I don't know anything about the capacity of it, at all.

Q. You know there is one there? A. There was one there before; there are two.

Q. That was a small one. Now, while you were there, is it not a fact that sometimes you had to draw water, or bring the water with which these people were bathed, on an ox-team in barrels? Do you recollect any instance of that kind? A. I do not, sir, although there might have been; I don't know. Do you mean to bathe the inmates that I had charge of?

Q. Yes; the water in which they bathed — was it brought in barrels on an ox-team? A. I don't remember any such instance.

Q. Now you say these seven that you have mentioned as employed at Salem, only includes the inside, or includes the outside help? A. That includes all.

Q. In other words — A. Well, I said seven; there are eight at present.

Q. Eight? A. At present; yes, sir.

Q. So that is one attendant to every eighteen persons? A. Well, that is not the thing of it. We have a poor department there, and we appropriate about $32,000, or $33,000 a year that we expend for the poor department; and we haul coal and wood, and a great many of the supplies we have to haul and distribute among the poor, and the city takes our help at the institution to do it. That is why we have more help than perhaps we might get along with if we did not have to do this outside work.

Q. Well, now, would you consider — take your experience at the Salem almshouse there, and would you consider one attendant to twenty-three patients, an unreasonably large force? A. Well, sir, that has a good deal to do with what class of people you have to take charge of.

Q. Take your experience at Tewksbury. — just enlighten your present judgment by your experience at Tewksbury, and tell me whether you think one attendant for each twenty-three patients would be an unreasonably large force? A. I don't know as I am supposed to know that, am I, Mr. Chairman?

The Chairman. That amounts to your judgment, to your opinion; not what you think, but your best judgment.

Q. (By Mr. Brown.) I mean, referring to your experience in the care of people at Tewksbury, and your subsequent experience in the care of the poor at the almshouse at Salem, having fully in mind your knowledge of the manner in which they are treated, and ought to be treated, and the care that must be given them, would you consider one attendant to twenty-three patients a large force, or a too large force? A. Well, I don't know; I should think it was a pretty good number.

Q. Well, more assistance than you would want? A large amount of assistance? A. I should think it was.

Q. Supposing that included all the indoor and outdoor work, farmers and everything? A. Yes, sir.

Q. That is, you think they should get along with less? A. I think they ought to pay better wages, and get along with less help; yes, sir, I do.

Q. (By Gov. Butler.) I want to ask you now, on that matter, suppose you could have the services — not reckoning in those attendants — suppose you could have all the services of the inmates without reckoning that, how many attendants would you suppose were needed? A. At Tewksbury?

Q. Yes, sir; or take it anywhere where it was properly done? A. I don't know as I understand your question.

Q. Listen; this is it: You are asked in regard to one attendant for twenty-three people. Now, suppose, in addition to that, you had the services of all that were able to work, and some that were not, — just whoever was detailed to work, — suppose you had all that service besides, couldn't you get along with less attendants? A. I think there ought to be less than one to twenty.

Q. I am now talking about simply the people that are hired in various capacities to do work? A. Well, that is what I mean; I mean to include them for all the institution, right through, the farm and inside.

Q. Now, with that number, with that proportion of help, they ought to be pretty thoroughly taken care of, hadn't they? A. I should think so; yes, sir.

Gov. Butler. Fully and well. I believe that is all, sir.

Q. (By the Chairman.) Mr. Barker, what were you paid

when you were at Tewksbury? A. I had thirty-five dollars a month, sir.

Q. How much? A. Thirty-five dollars a month.

Q. Did you have your wife with you there? A. Yes, sir.

Q. What was her pay? A. Twenty-one dollars per month.

Q. Do you think that is a fair price? A. I thought it was nice pay.

Q. Do you think it was over-pay — more than the services were worth? A. No: I don't know as it was more than it was worth; but I think good help could be hired for less than that.

Q. At that time? A. Yes, sir; at that time. I should have been willing to have worked for less at that time.

Q. Do you think that ran through the institution, — that everybody was over-paid? A. Oh, I don't know anything about that, sir.

Q. We want to get at all the facts. Now, let me ask you this question: How do the inmates at Salem compare with those that were at Tewksbury when you were there? A. I don't think there is much difference; I think they are about the same class of people. Part of what we had charge of in Tewksbury were very good inmates, — very good, indeed; but the male part of it very bad. The female part of them was very good.

Q. (By Mr. Wolcott.) I would like to ask whether some of the inmates at Salem do work about the house and in the fields? A. Yes, sir; everyone is supposed to work who is able.

Q. You have a resident physician there? A. No, sir.

Q. At the institution? A. No, sir: he lives in the city. He visits us once a day, unless I call him.

Q. He is not included in the list you gave? A. No, sir.

Q. (By Mr. Murphy.) Is it because of the fact that you get work out of the inmates that you run the institution at so low a figure? A. Not only that; we have these people, and feel they ought to be made to work, all those that are able.

Q. Was that done at Tewksbury? A. I think so; that was not my business; I never looked into it.

Q. You don't know that? A. I don't know.

Q. (By Gov. Butler.) Will you tell me what the pay of the physician is at Salem? A. Six hundred dollars a year.

Q. And he does a sufficient service, does he? A. Yes, sir: he not only does it for the institution, but all over the town for the poor.

Q. So you don't find any lack of physician's service, do you? A. No, sir; no, sir.

Q. (By the Chairman.) You would not call him a resident physician? A. Well, he is a resident of the city, and we are included in the city.

Q. (By Mr. Putney.) That includes service for the poor for the whole city of Salem, does it? A. The whole city of Salem; yes, sir.

Q. He is hired to attend the poor of the city, and also at the almshouse, for this $600 a year? A. Yes, sir.

The Chairman. Mr. Brown has stepped out for a moment, but you may call your next witness, Governor.

Mark Heathcote (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name? A. Mark Heathcote.

Q. What is your business? A. Police officer.

Q. Where? A. City of Salem.

Q. Did you have occasion to take an infant from the city of Salem up to the Tewksbury almshouse? A. On Tuesday, the fourth day of December, 1877, I took a lady by the name of Mary Ann Welch, and a foundling, up to the Tewksbury almshouse.

Q. The fourth of December? A. Yes, sir.

Q. You took a foundling up there? A. Yes, sir.

Q. Have you a memorandum of it in your book? A. I have, sir.

Q. Now, using that book to refresh your memory as much as you like, will you state to the committee what happened to that infant, so far as you know. You took it at Salem and carried it up? A. I carried this baby up there and we took a barge and went to the office. In the meantime, going up, the baby was took sick, and it cried a good deal and seemed to be in considerable distress; and they kept us waiting in the office forty-five minutes. Finally I asked the attendant if he could not do something for it; something for the baby. I told them it was in no condition to be there, and they took it away. Then I asked permission to go through the buildings, and, in going through the buildings, — I never was there before nor since, — I went over in the further part of the ground where the infants was, and I saw a woman have this same baby, and she filled its mouth full of soap. It was crying.

Q. What kind of soap? A. Common soap, sir.

Q. Soft or hard; bar soap or soft soap? A. It seemed to be soap they were washing with.

Q. What did she fill its mouth full of soap for? A. I could not tell you, sir; I never spoke to her.

Q. Did you see her when she did it? A. I did.

Q. How old a child was this, sir? A. They called it about two weeks.

Q. Did you hear the baby cry before she put the soap in her mouth? A. The baby cried, sir; I heard the baby cry afore I got into the building, and I told the lady that was with me, says I, "There is that same baby," says I, "crying yet."

Q. Then you went into the building? A. Yes, sir.

Q. And saw it in the woman's arms? A. Yes, sir.

Q. What did she appear to be; was she a nurse? A. Yes, sir, she seemed to be a nurse there.

Q. One of the nurses? A. Yes, sir.

Q. How near were you to her when she filled this baby's mouth with soap? A. I was not quite as far as the chairman, over there, sir.

Q. See it distinctly? A. I did.

Q. Any doubt about it? A. Not in my mind.

Q. After the child's mouth was filled with soap, did it stop crying? A. They took it away, sir.

Q. What? A. I didn't see any more of it.

Q. Did you see the child afterwards? A. I never did.

Cross-examination by Mr. Brown.

Q. Where was this child from? A. Salem.

Q. A foundling? A. Yes, sir.

Q. Where did it come from, do you know? A. A man by the name of Archibald McNeil found it on a door-step.

Q. And brought it to the police department of Salem, and as an officer of the police you took it to Tewksbury? A. They carried it to the almshouse first. This was on a Saturday night, and on a Tuesday morning they sent me to Tewksbury with this Mary Ann Welch and this foundling.

Q. Mary Ann Welch and the foundling were not related at all? A. No, sir; Mary Ann Welch was an inmate they said had run away from Tewksbury.

Q. And you took them both there? A. I did, sir.

Q. Now, can you tell us the date when you took them there? A. The fourth day of December, 1877; Tuesday.

Q. Did you go by carriage or train? A. I went by the train, sir.

Q. Any one except you and this woman, Mary Welch? A. Yes, sir; there was a lady by the name of Scanlon.

Q. What was her full name? A. I could not tell you, sir.

Q. Do you know what her address is? A. I could not; the last I heard of her, sir, she was in Lowell.

Q. How came she to go with you? A. She was an inmate down at the almshouse, and Mr. Farwell, — she brought the baby up to the depot, a kind of a cold morning, wrapped up, and the baby cried so that I told Mr. Farwell he had better let her go with me and I would see she came back.

Q. When you went into the office, and after the delay, some one came and took the child and took it out? A. Yes, sir.

Q. And you didn't see the child again till the time when you were walking about the grounds? A. There was an attendant showing me around.

Q. Could you tell what part of the grounds it was where you saw this child in charge of this nurse? A. Yes, sir; I think I could, sir.

Mr. Brown. [Showing the witness a plan.] That represents the main building of the almshouse, fronting on the street.

Gov. Butler. That represents it as it was in 1882.

Mr. Brown. Well, the buildings have not been changed.

The Witness. We went from the office across the yard where there is some kind of one-story buildings.

Q. Wooden buildings? A. They had little babies there and they had one person, — the reason I got there so quick was, they had a person there who had a very large head, so large he could not walk, and I asked particularly to see him.

Q. Where was it that you saw this nurse and the baby? A. It was in the further building; the one-story building.

Q. It was in a building? A. Yes, sir; inside of the building.

Q. In a room where there were other people present? A. Lots of children in cots.

Q. This woman have the baby in her arms? A. She had this baby in her arms, sir, and went from the door down the room when I went in with the attendant.

Q. Just tell us what you saw? A. She had a bar, I suppose,

of this ordinary hard soap; I don't know how large the bar was, the piece she had in her hand.

Q. How large was the piece? A. I didn't measure it, but I saw she had this soap in her hand; and there was another man one side of the room who was making passes over some other children, and I thought he was christening them.

Q. Just confine yourself to this particular business, please, — how that soap was put in, and what you saw. A. I saw her with a baby in her arms, and the baby was crying; finally, — she had a kind of a towel on this arm with the baby, and she took the soap, and it squalled so she took and put the soap right in its mouth and then went down towards the other end of the room.

Q. You were about as far from her as from where you sit to the chairman? A. I should judge about so far, sir.

Q. Now, tell us how large was this piece of soap? A. I told you I didn't measure it.

Q. You could give us some idea of whether the soap would fill the child's mouth, or whether it was a small speck, or whether it was big enough to cover its whole face, couldn't you? A. If it was big enough to cover its whole face, she would not put it in its mouth, would she?

Q. She might have put a corner in. I want you to describe it, and I try to help you as well as I can. A. I said it was a piece of soap she had in her hand.

Q. Just give us the size, please. A. I could not; a common piece; I should say a piece about so big. [Indicating.]

Q. About three inches long? A. I should say about that big.

Q. And about how square? A. Well, sir, it seemed as if it had been used; a piece of soap that had been used, and I should say came from the sink or wash-tub.

Q. About an inch in diameter? A. Something of that kind; I would not say.

Q. Could you smell it where you were? A. No, sir.

Q. Could not? A. No, sir.

Q. Now, at that distance, how could you tell whether it was a piece of soap, or some kind of sop that had been made for the purpose of quieting that child: milk or something like that: something for the child to suck? I would like to know how you could tell whether it was soap, or something made on purpose for that child to suck: I want you to tell the committee how

you got at the conclusion it was soap? A. I saw it, and I concluded it was soap.

Q. Now, tell us how you got at that conclusion? A. Because I saw it in the lady's hand, first.

Q. Because you saw it in the lady's hand first, therefore it was soap? A. I saw it put into the child's mouth, and it looked to me like a piece of common brown soap, such as had been used around a sink or a wash-tub.

Q. Well, now, do you wish to tell the committee, positively, that you know that was soap? A. That is what I have said, sir, ever since.

Q. And you told it on the evidence which you have now recited to the committee, did you? A. I never made any talk to anybody.

Q. You have given the committee all the information you had by which you reach that conclusion, have you? A. Yes, sir.

Q. And you have described all the opportunity which you had for coming to that conclusion, have you? How do you know you waited in the office forty-five minutes? A. By the clock.

Gov. Butler. You don't want him to answer that last question? I see you changed the question. Do you want him to answer the last one?

Mr. Brown. I thought he did; if he did not, he can.

Gov. Butler. I didn't understand him to answer it.

Mr. Brown. I did not intend to shut him off; I understood he answered it fully.

Gov. Butler. You asked him if he had given to the committee all.

Mr. Brown. Yes, sir; and I understood he had. If he did not say so, I should be glad to know it.

Gov. Butler. Perhaps he did; I didn't hear him.

Q. You looked at the clock? A. Yes, sir.

Q. What office were you in? A. Kind of in a basement, sir, just at the entrance of the gate.

Q. In the basement at the entrance of the gate? A. Yes, sir.

Q. That is what you call the office, is it? A. That is what I call the office; I had to wait there.

Q. Do you know, now, whether it is the office, or whether it is not? A. I have never been there before, nor since.

Q. Was that place where you waited forty-five minutes within the enclosure of the hospital? A. It was right at the gate, sir.

Q. Outside? A. Yes, sir; just outside the gate.

Q. The engine-room and boiler-room was directly opposite, was it not? A. Inside the fence.

Q. Now, after you had waited forty-five minutes, was the child taken from there, or did you, yourself, take it in further to some other room? A. I waited there some time before anybody came, and I rang this bell-knob, or something they had, and by and by a man came, and he told me to sit down: and the child kept crying so, it had dirtied itself, and I asked him if they couldn't hurry this thing up a little mite; and he went off and left me there again, and by and by they came with this woman.

Q. And the woman took the child? A. Yes, sir.

Q. Didn't take the child to any other place that you know of? A. Not that I know of, sir.

Q. There was no registry of the child that you know of? A. Not that I know of, sir.

Q. Did the child have a name when you took it from Salem? A. No, sir; we didn't know anything about it.

Q. Didn't know anything about it? A. No, sir.

Q. A pretty cold day, the 4th of December, 1877, wasn't it? A. It was cold in the morning, sir, when we started.

Q. Stormy? A. No, sir.

Q. Clear? A. Very clear.

Q. Was the child changed, within your knowledge, from the time it left Salem till the time it arrived at Tewksbury, — that is, in its under apparel? A. No, sir; not changed with me; only its diapers.

Q. Had change of diapers? A. Yes, sir.

Q. What time was it you took the train at Salem to go to Tewksbury? A. I think it was about five minutes past seven in the morning.

Q. What time did you arrive at Tewksbury? A. I arrived at Tewksbury, I got into this office there, at ten minutes past eight o'clock.

Q. Did you see, while you were there on that day, any other office except this one you say you went into with the child? A. I never saw any one; no, sir.

Q. Never asked for any other office, did you? A. I did not, sir.

Gov. Butler. Let me see your memorandum book.

Q. Have you a memorandum of this matter there in a book? A. I have it; yes, sir; just as I made it that day, and it has been there.

Mr. Brown. Let me see that book, please.

Gov. Butler. In a moment; when I use it you shall have it, sir.

Mr. Brown. I should like to see the memorandum before you use it, if it is to be used.

Gov. Butler. When I get ready to use it I will let you see it.

Mr. Brown. If it is to be used I should like to see it before the witness leaves the stand.

Gov. Butler. You shall; the rules shall be observed in every way.

Q. (By Gov. Butler.) You have handed me a memorandum-book, which is a pocket diary of 1877; when did you make that memorandum? A. I made it the evening, same as I do most every evening, of the day of the time.

Q. The day of the occurrence? A. Yes, sir.

Q. And as you were accustomed to make your memoranda of what happened during the day? A. Yes, sir.

[Gov. Butler handed the book to Mr. Brown.]

Q. You say there was somebody there in the lower part of the room making passes over children, and you thought they were christening them? A. Yes, sir.

Q. Did this nurse carry the child she had down towards this person? A. She went away from this person towards some little stands, or something that was standing against the outer wall, as I went into the room, sir.

Q. Taking the child with her? A. She had the child in her arms.

Q. Was she standing at this time? A. When I went in at the door with the attendant she moved from me to go down further, down the room.

Q. (By Mr. Brown.) When did you say you made this memorandum? A. I made that memorandum the night I returned from Tewksbury.

Q. When have you seen this memorandum before today, since you made it? A. Yesterday morning, sir.

Q. When were you summoned? A. I was summoned late on Monday night.

Q. Late last Monday night? A. Yes, sir.

Q. Where was this memorandum-book when you were summoned? A. It was up in a closet in the police-station.

Q. In the police-station? A. Yes, sir.

Q. And you have not used it since 1877? A. I have not, sir.

Q. When you completed the year 1877 you laid it aside? A. I have, sir.

Q. Do you recollect after you wrote in this, — you say this was written the evening of Tuesday, the 4th of December? A. Yes, sir.

Q. Do you recollect after you wrote these words, "Went to Tewksbury with Mary Welch and a baby," of sharpening your pencil before you wrote anything more? A. No, I do not; sometimes in using a pencil —

Q. Never mind the sometimes. Do you recollect whether you did sharpen your pencil or whether you did not? A. I don't remember, sir.

Q. Don't you remember that you did not? A. I don't remember whether I did or not.

Q. Now, won't you tell me why that sentence, "Saw a woman put soap in a child's mouth," is in a different shade of lead pencil? A. Yes; I can tell you how that is.

Q. Well, tell me about it. A. When I commence to write it is natural for me, same as I do now, to take the pencil right up in this manner, put it in my mouth, and write; and furthermore, if you want to know why I wrote that sentence about putting soap in the baby's mouth, I have got a very good reason for knowing it.

Q. But that is not soap in a baby's mouth, that is soap in a child's mouth; nothing there to indicate that same baby was the one that had the soap in its mouth, is there? A. I didn't suppose there was; when I wrote it I didn't suppose I was coming here.

Q. Is that all the reason you can give of why the shade of lead pencil in these two sentences is different? A. That is all the shade I know of; I know it makes the same difference in my book now.

[Referring to a book he held in his hand.]

Q. Let me see your book now. A. That is private property.

Q. Oh, yes, that is private! Can you show me any other

instance in this book [the book of 1877], where you put the pencil in your mouth and the second sentence was different from the first? [Book handed witness.] A. Yes, sir; there is one, and I have not looked at it; just turned to it.

Q. Yes, but after putting your pencil in your mouth there the writing is darker than it was in the first sentence. A. Is that darker?

Q. No, that is lighter; I understood you to say the second one is where you put the pencil in your mouth. Now, isn't it a fact that after wetting a pencil the shade of the lead is darker than before you put it in your mouth? A. No, sir.

Q. It is not! In other words, then, the reason why this second sentence here, under date of Tuesday, the fourth of December, is lighter than the first, is because you remember to have put the pencil in your mouth and to have written the second sentence after the point of your pencil had been wet, is that it? A. I don't say any such thing.

Q. Now, then, tell us what you mean. A. I told you what I mean; I told you it is natural for me, when I take out my book and commence to write, to put my pencil in my mouth and commence to write; and, sometimes, the pencil may get wore and I will turn it same as anybody else.

Q. Now won't you explain. The words "Went to Tewksbury with Mary Welch and a baby" is in uniform dark lead, isn't it? Just look at it and see. A. Well, I don't see much difference; "Went to Tewksbury with" is pretty dark, and then "Mary" is light; and then "Saw a woman put soap in a child's mouth."

Q. That is light, isn't it? A. Yes, sir.

Q. Now, you can readily distinguish a difference in the writing between the sentence "Went to Tewksbury with Mary Welch and a baby" and what follows, can't you? A. Yes, sir. I told you once I would explain how that last sentence got in there.

Q. Have you explained it? A. Not yet.

Q. Will you explain it? A. I will try to.

Q. Proceed. A. After I got back to the station-house and the men was sitting around there, they was joking me; asked me how my baby was. I told them the last time I saw the baby I saw it with some soap in its mouth. And the assistant marshal drawed my attention to it, and then I put it down; I didn't

know, the way he spoke, but there might be something from it, and I took and I put it down, "Saw soap in a child's mouth."

Q. And when you wrote that, "Saw soap in a child's mouth," you had previously — A. Wrote —

Q. Written what is above it? A. "Mary Welch?"

Q. Yes. A. But it was in the same evening.

Q. The same evening? A. Yes, sir.

Q. Now, how long between these two occasions? A. Well, I could not hardly tell. I got back, sir, in the afternoon of the same day, and this was at seven o'clock, when we were in the station in the evening.

Q. What was the time of day when you wrote the first one? A. It was after I got back from Tewksbury.

Q. Well, about what time? A. I should say about evening; towards evening; I could not tell just when.

Q. Before five o'clock? A. If I go after a job —

Q. Never mind about that; it was probably before five o'clock? A. I won't say whether it was or not.

Q. What time was it in the evening before you wrote the second one? A. It was at that time, there in the station-house.

Q. But the same pencil? A. The same pencil.

Mr. Brown. The same pencil, certainly! Now, Mr. Chairman, I desire to submit this book to the committee.

Gov. Butler. So do I.

Mr. Brown. And I further desire, Mr. Chairman, that that book shall be impounded and retained: I purpose to have the entry examined by a chemist.

Gov. Butler. I have no sort of objection, and shall be glad to have it examined with a microscope; the chemist won't help it, because black lead is about all the same.

Mr. Brown. Different composition in different pencils, as I have had occasion to know.

Edgar E. Dean (*sworn*).

Direct examination by Gov. Butler.

Q. Give your full name, doctor, if you please. A. Edgar Everett Dean.

Q. And you are a practising physician and surgeon in the city of Brockton? A. I am; yes, sir.

Q. How long have you been engaged in that business? A. Twenty-two years last March.

Q. Where did you study your profession, doctor? A. Graduated at Harvard medical college.

Q. When did you go there? A. In the winter of 1858–9.

Q. Where was the Harvard dissecting-hospital? A. It was at the medical college on North Grove Street; opposite it.

Q. How was it situated with regard to the water, to tide water? A. At that time the tide water went under the dissecting-room; I think the dissecting-room was placed on piles on the flats; it was a wooden annex, if I remember rightly.

Q. Did you take instructions in dissecting? A. I did; yes, sir.

Q. About how many students had they? A. Well, I will state my recollection; perhaps two hundred, perhaps less, at that time.

Q. About how many bodies were used a year? A. I attended the medical lectures commencing in November and ending in March. I did not attend the summer course; in fact, I hardly believe the summer course was open at my first entrance there, — perhaps fifty.

Q. Fifty? A. During the winter term, perhaps.

Q. At that time? A. Yes, sir.

Q. Now, sir, how many would be engaged in the dissecting-room at a time, dissecting? A. There would be five students upon one subject; there might have been eight to ten tables, perhaps, at a time; perhaps more.

Q. Eight or ten dissecting-tables, each with a subject upon it of some sort? A. Yes, sir.

Q. And five students to a subject? Will you tell me, doctor, what was done with the remains?

Mr. Brown. I pray the judgment of the committee.

Gov. Butler. We have had this question settled, once.

The Chairman. If the Governor is to connect Tewksbury with it, it may be competent; if not, it is not competent. We are not trying the Harvard Medical School.

Gov. Butler. No, sir, we are not; but he had a duty to make it responsible to him, and he ought to have seen to it.

Mr. Brown. This is a matter ruled upon once by the committee, and ruled out.

Gov. Butler. I beg your pardon, ruled in.

The Chairman. The law of the case, whether the Tewks-

bury almshouse people should pursue the bodies to ascertain what became of them, has not been passed upon.

Gov. Butler. What is the use of a bond being given to the authorities that the remains shall be decently interred, if nobody is going to pursue the bond, or pursue the bodies, or take any care about it?

The Chairman. Your Excellency suggested, the other day, that the law might be defective. There is nothing in the law that requires anybody to do so, and the inherent difficulty in it seems to me to be insurmountable. How can they identify remains? How could the detectives, going from Tewksbury to any medical college, determine where the bodies in process of dissection came from?

Gov. Butler. I will tell you, Mr. Chairman, easily. If I was supplying bodies, — which, God forbid — to a dissecting college, and I had such a bond, I should go and see what was their method of doing business; and, if I was supplying them with hundreds a year, or fifty a year, or any considerable number, I should go and see how they disposed of the remains; what their method was; to see to it that the human body, which was left in my charge, and which I turned over to them upon a bond that they should do their duty properly, received proper treatment; and if I found that their appliances were such that instead of interring the remains, they had an iron pot, or an iron box or trap, into which the remains were all thrown in a heap, and then they had means of upsetting it into the tide below, and if I looked down through the place into which it was upset and found that the fish were feeding on the remains, I should come to a pretty strong conclusion that my bond was not carried out and the remains decently interred. And I should not eat any lobsters from that vicinity, either.

The Chairman. The doctor has not testified that the bodies came from Tewksbury, or that he knows where they came from.

Gov. Butler. I am not upon that point, now, Mr. Chairman. One thing at a time. I shoot with a rifle, and not with a blunderbuss.

The Chairman. Yes, sir.

Gov. Butler. I am upon the point raised, how far it was possible for a right-minded superintendent to find out that his bond was carried out, by simply examining the condition of things in the institution to which the bodies were sent. That is the point here now. I don't think we are under any obligation

to find from Dr. Dean that the bodies came from Tewksbury. There is evidence tending to show that from the beginning.

Mr. Wolcott. I should like to ask in what year the statute was passed requiring a bond, — the present statute on the subject.

The Chairman. It is in the general statutes, and it must have been prior to 1859, when Dr. Dean says he was there.

Gov. Butler. Prior to 1845, I think, sir.

Mr. Wolcott. I would suggest that the chairman ask the counsel for the trustees whether he is willing to admit that these bonds were not pursued; were not followed out: the enforcement of the bonds was not examined into subsequently. It seems to me it would save time, if that is admitted, to admit it once for all.

Gov. Butler. When we are trying a case in court we take admissions from attorneys employed in court, but here we do not proceed upon admissions. We proceed upon facts. There is nobody here that I know of who represents Harvard College. Has Harvard College a representative? [Pausing.] I didn't know; but it seems there is nobody here to make concessions for that very ancient and respectable institution.

The Chairman. If this investigation is to take so wide a range as to investigate Harvard College, why, it may be well to have them summoned; but the charges say nothing about Harvard College. The question was asked Dr. Dixwell as to what became of the debris, the pieces of the bodies after dissection. The committee ruled it out. One of the committee, afterwards, asked the question. Now, it seems to me this question is leading up to substantially the same question of what became of the remains. It seems to me, as one of the committee, —

Gov. Butler. Yes, sir; afterwards the same question was put.

The Chairman. By one of the committee.

Gov. Butler. Yes, sir.

The Chairman. Which seemed to me to be irregular. After the committee had decided that the question should not be put, it ought not to be put.

Gov. Butler. The question there was not what became of the remains, but whether the remains of dead animals were —

The Chairman. Now, nothing is shown here as to the knowledge of the doctor as to where these remains came from.

The committee will decide whether the testimony shall be admitted.

Gov. Butler. I should like to have a vote by yea and nay upon that.

The Chairman. I never heard of a yea and nay vote in a legislative committee.

Gov. Butler. I have a great many hundred times.

The Chairman. Members of the committee in favor of admitting the testimony will raise their hands.

Mr. Murphy. I would like to move that the vote be taken by a yea and nay vote.

The Chairman. There is no such thing as a yea and nay vote in a legislative committee that I know of.

Mr. Murphy. Does the chairman rule the motion made by me is not in order?

The Chairman. I rule that the motion is not in order.

Mr. Murphy. Then I appeal from the ruling of the chair.

[The chair was sustained, and on the question, "Shall the testimony be admitted?" the vote was four to five. The chairman declared that the testimony was excluded.]

Gov. Butler. It is easy enough for the reporters to make a yea and nay vote.

The Chairman. The official reporter will not make any such entry. Go on with the examination of the witness.

Q. Now, Dr. Dean, assuming that persons having opthalmic diseases, for instance, diseases of the eyes, and other persons bathe in the same water with them, are these diseases catching? A. They are, sir.

Q. Isn't it requisite that there should be great care taken to prevent the spread, in hospitals and other places, of this sort of diseases in that way? A. We want perfect cleanliness as far as possible.

Q. Now, suppose persons afflicted with syphilitic and other ulcerous diseases — is it proper that anybody else should bathe in the same water that a person having those diseases has bathed in? A. I should say it would be highly improper, sir.

Gov. Butler. Do I understand the committee to say that I shall not show in any way any portion of what was done with these remains?

The Chairman. Unless it appears that they came from Tewksbury.

Gov. Butler. But it is already in evidence that from the

beginning Tewksbury has supplied; and the chairman was kind enough to state early that he wanted me to have an admission that there had been from the beginning bodies supplied there.

The CHAIRMAN. Back as far as Dr. Dixwell testified, in 1870; I don't know how much farther back.

Gov. BUTLER. Farther than that, sir.

The CHAIRMAN. But there is no evidence or admission that the only supplies to any medical college came from Tewksbury.

Gov. BUTLER. No; but if all the remains are treated alike, and a part came from Tewksbury, then those that came from Tewksbury would be treated that way. I want to prove that there were appliances there and conveniences for dumping those remains into the tide, and the fishes fed on them. That is what I propose to prove if I can.

The CHAIRMAN. The committee will decide it. It seems to me we have substantially rejected it.

Mr. MURPHY. I can conceive how it has a bearing on this case. It seems to me the very admission of Mr. Wolcott, in his request to have the counsel for the trustees acknowledge the fact that they had been derelict in their duty in not following up the bond, would show that the question as raised by His Excellency has some bearing.

The CHAIRMAN. I did not understand Mr. Wolcott to call for any such admission.

Mr. MURPHY. I so understood him.

The CHAIRMAN. About any dereliction?

Mr. MURPHY. He didn't use the word dereliction.

The CHAIRMAN. He asked if they would admit they had not followed up the bond.

Mr. MURPHY. If the law of the Commonwealth requires them to follow up the bond, and they didn't, I should say they were derelict in their duty, and if that can be proven I should like to see it proven.

The CHAIRMAN. I don't know any law in the Commonwealth that requires them to do it.

Mr. MURPHY. That is your interpretation of this matter, but it may not be mine, and I want this evidence.

The CHAIRMAN. If the committee wants to go into the question whether the Harvard Medical School did its work properly in 1859, it can do so. That is the question, and it seems to me it has nothing to do with the case, unless the bodies came from Tewksbury.

Mr. Murphy. I think there is too much said about trying the Harvard Medical School. I think the chairman should put it this way, — whether the Tewksbury almshouse officers attended to their duty in the matter properly; whether the bodies sent from the almshouse to the Harvard medical institution were properly looked after, as they should have been looked after. That is the way I look upon it, although you will insist upon bringing in the Harvard medical institution as the party to be complained of.

The Chairman. I do not insist on anything.

Mr. Murphy. I should judge so.

The Chairman. I want to get at the facts as to the present condition and management of the Tewksbury almshouse, but not of the Harvard Medical School.

Mr. Murphy. I hope you do want to get at all the facts and evidence of the facts.

The Chairman. I do.

Mr. Murphy. I hope so.

The Chairman. I do as much as you do.

Mr. Murphy. I hope so.

Mr. Putney. It seems to me this committee is investigating the Tewksbury almshouse. If that is so, isn't it fair we should have some evidence here showing the disposition made of these remains? I think it has been proven very clearly here that there have been a great many bodies, more or less, delivered to this institution from Tewksbury. Now, if that is the fact, it seems to me this committee should know what disposition has been made of these remains, and here is an important witness upon that point.

The Chairman. The committee has just passed upon the matter. If it wishes to reconsider its vote, it can do so.

Mr. Murphy. I move a reconsideration.

Mr. Putney. I do not desire to prolong this hearing. I am very anxious, indeed, to get through; but, as we are here for the purpose of making an investigation, it seems to me, as a member of this committee, that we cannot slide over important evidence of this nature without letting it come in, so long as we have allowed so wide a range for other evidence to come in.

Mr. Murphy. I should like to say, in moving the reconsideration, that I hope the members of the committee will not be governed by party lines, but will be governed by the facts before them and the importance of the question.

The Chairman. I am happy to see that this morning the committee has not voted on party lines.

Mr. Murphy. I am happy to notice it in one particular; I should be more happy if I noticed it on two or three occasions.

Mr. Chamberlain. Mr. Chairman, I want to say right here that I am not here to vote upon party lines, and I am sorry any member of this committee should bring it in or refer to it. We have heard from a great many of the living, and a great many of the dead. We have taken testimony of what some dead man some fifteen years ago said to somebody living; but where they are we do not know now. I think we have admitted almost everything, and I don't like to have anybody intimate that we are voting here upon party lines. With regard to this question, the reason I voted not to admit the testimony was because it seemed to me Harvard College was not represented here, and we were not trying the case of Harvard College, but with regard to the management at Tewksbury, and I could not see why it should be admitted. Consequently I voted against it, not on party lines.

The Chairman. Anybody else want to say anything?

Mr. Chester. My desire is as strong as that of any member of this committee to get at the truth in this matter; I thought, however, that the investigation was going into a wider range than what we had the time to attend to, and for that reason I voted as I did. But the matter is probably as public now as if we admitted the evidence; therefore I am perfectly willing to reconsider the vote.

Mr. Putney. I move the vote be reconsidered by which we voted to exclude this evidence.

[The motion to reconsider was carried, five members of the committee voting in the affirmative.]

The Chairman. The question now is, shall the evidence be admitted?

Mr. Brown. I wan't to say a single word. I have listened two or three times to the reading of the order under which this investigation is taking place. Now, there is no claim on the part of His Excellency; it has never been suggested, — and I have read very carefully, while the committee have been looking over this subject and discussing this question, what His Excellency did say on the occasion referred to, — there is no suggestion, up to this moment, that anybody ever said to any officer of the Tewksbury almshouse, to any member of the

board of trustees, or to any member of the board of health, lunacy and charity, that by anything which was done with the bodies that came from Tewksbury, at the Harvard medical college, or any other medical institution, they were not disposed of according to law. Secondly, there has been no claim here that there has been any breach of the bond. Now, I submit that nobody can avail themselves of the remedy of this bond until they know it has been broken. And there is no charge of dereliction of duty on behalf of the trustees; because I have read very carefully anything that His Excellency has ever said, both in his inaugural address and at this hearing. Now, I submit that in this state of things it is manifestly unfair toward Harvard College to proceed with this kind of evidence, — for I do not represent Harvard College, — to proceed in the absence of any officer of that institution, or anybody who is here to represent Harvard College as counsel. It seems to me that if any party is to be investigated, — because, as it stands now, this is an investigation of the Harvard Medical School, — if the Harvard Medical School is to be investigated, it strikes me that it is manifestly fair, at least, that it should be investigated after notice, and after it has had an opportunity to come in here and appear, and after it has had an opportunity of knowing, at least, that there is something going on that touches it. And if the committee are disposed to go into this kind of evidence touching the Harvard Medical School, I certainly hope that they will wait until some time when the Harvard medical college can be notified, and can be present.

Gov. Butler. May it please the committee: it is said that I have made no claims as to this matter. I thought I stated, on the first night of the investigation, that I did not come here to make charges; that I came here to put in evidence.

Mr. Brown. I beg your pardon. You said you came here with everything except a whitewash-brush.

Gov. Butler. I have got everything but that; I say so still. But I came here to make no charges. I was not going to put myself in the place of a person making charges; it is not my business to do so, in this capacity. But I did state, as bearing on the question of evidence, precisely, on the first night, what I have stated to-day; that I thought that where the State had given to an official the power to dispose of the bodies of its citizens in a given manner, and required, before he would allow one of these bodies to go out of his possession, that he should

take a bond that they should be disposed of in a given way, — I then said, and I repeat it now, that I thought it was his duty to see that that bond meant something, and that they were disposed of in that way in some degree, as far as due diligence required. The chairman then suggested that he did not see how the institution could. Why, one of the officers of this institution could have gone and seen, — or, if he had been excluded from seeing, he could have sent no more bodies there, — exactly what they did. It was precisely in his place. And it was the humane intention of our law, which stepped far beyond what had been before, — it was a step in the right direction if it hadn't been used as a matter of merchandise, — to allow a college, instead of, as in the olden times, sending out somebody to steal bodies, to have the means of getting them legally for the purpose of science; and at the same time the law wanted to protect the feelings of the friends, and of the public, and the feelings of the party themselves. Now, personally, I should have no objection, when I have no further use for this mortal coil, that it should be used in the interests of science; but I should prefer that after it had been given its use, post mortem or other, that it should be decently put in earth from which it sprang; and for the sake of my children. Now, you or I, both of us, or either of us, Mr. Chairman, may be paupers. It has happened to as good men as we are, and to men quite as well off in this world's goods. And it is one thing that won't be very pleasant for us to contemplate, as a part of our poverty, as the sentence of law upon our poverty as it is carried out by the officers of the law, that we are to be cut up at last, and that what remains of us is not allowed to mingle dust to dust. And I don't care who does it, whether it is any given physician or professor, or whether it is a body of surgeons known as the Harvard Medical School, they ought not to do it that way. It is a sacred trust of sacred dust committed to them for scientific purposes, to be treated reverently, as he whoever meets a corpse, should raise his hat as he passes it, and not to be given as food for fishes. And if for a series of fifteen years, during which time these very men, whose management we are now investigating to see if it is fit to trust money in their hands for this purpose—if they have not taken the pains to see to it, then I hold it is such a dereliction of duty—for it is a duty of theirs; the overseers of the poor were entrusted to see that it was a proper place for a body to go, and then those having it in charge must see

that it is given for a proper purpose, and to take a bond for the rest of it, that it shall be decently and properly treated; — if these men, for fifteen years, stood by and carted bodies, day by day, year by year, young and old, rich and poor, sane and insane—because a term of that insanity may send a man of property and wealth to that institution, without his being able to tell the fact, having wandered away, that he had any property; — therefore, sending all sorts and conditions of men, is a joint trespass, a joint wrong, and it is fair to find out what was done at both ends in order to show the wrong done. Now, I have been examining some of the books. I do not find, I do not think there will be found, any action of the trustees upon this question until after your order was passed. I have heard, I have read, that they said there was an arrangement made. But trustees speak through votes, and I doubt whether they will find a vote on that subject. I don't think these trustees knew it; therefore, I am not impugning them. I hope they did not know it in any way or form. I am not impugning them at all. And the reason why I think they did not know it is, I am certain, if they knew what you and I know now,—that these bodies were taken in the night-time, taken from the grave, and mock funerals were made over the empty coffins, prayers to God for the man, — for the mortal soul of the man risen out of the grave that it should be cared for when there was only an empty coffin, — why, there is not a man of the trustees, not one of them, that would have permitted it for an hour. And the very respectable ladies who are members of the board of trustees, would avoid it with natural delicacy. The trustees are now attempted to be invoked as a shield. They are a shield; because good people trust a thing will go all right because they have good trustees. That is the very trouble with that way of government. Now, I only want to call your attention to the fact that it is not an investigation of Harvard College. Besides, I have learned this morning from what one of the committee said, that there was a gentleman here representing Harvard College, and I don't know but what he has been here all the time,—some counsellor-at-law.

The Chairman. I am not aware that there is anybody present to represent Harvard College.

Gov. Butler. Well, if he is present I certainly shall not object to his taking the most active part, if he wants to, in the investigation of the matter in every way and form. A member of the committee knows who he is and will tell us whom he

claims to represent; — if he is not here to make very damaging admissions for Harvard medical college that they have not kept their bonds and treated remains as they should.

Mr. Wolcott. If His Excellency is referring to me, I think he must have misunderstood me. What I suggested was that the admission should be made that no attempt was made to follow up these bonds; and my reference to counsel was to Mr. Brown, and not to counsel representing Harvard College.

Gov. Butler. I have then made a mistake.

Mr. Wolcott. Yes, sir.

Gov. Butler. I didn't know but that Brother Putnam, whom I have seen here sometimes, was here in behalf of Harvard College. He will tell us whether he is or not.

Mr. Brown. I want to say a single word, if the committee will excuse me. If there existed a reason, before His Excellency made his last remarks, for the investigation of the matter, certainly that has been wiped out by the remarks that His Excellency has made. Now I read from the record, commencing at the bottom of page 20 of the printed report of this investigation, where Mr. Learnard of the committee made this remark:

"Mr. Chairman, I would like to know what connection this has with the Tewksbury almshouse — "

That was when the witness Dixwell was going on to testify to what took place at Harvard College or at the Harvard Medical School. Then His Excellency read chapter 81 of the Public Statutes, sections one and two, then made more remarks, then read sections three and four, and then he remarks:

"The unfortunate thing about this law, gentlemen, is that there is no penalty attached to it, I suppose because the legislature deemed that the sanctity of the human body would be a sufficient protection."

Now what are we inquiring into this matter about? What is the use, as has been suggested by His Excellency, to pursue a bond that has no penalty to it?

Gov. Butler. I have not said that anywhere.

Mr. Brown. I beg your pardon.

"The unfortunate thing about this law, gentlemen, is that there is no penalty attached to it, I suppose because the legislature deemed that the sanctity of the human body would be a sufficient protection."

That is, no penalty to the bond.

Gov. Butler. No; I have not said that. There is a bond provided.

Mr. Brown. And that bond has no penalty. That is your comment. Now, I say, if there is no penalty, why pursue it? Why pursue the investigation?

The Chairman. I suppose, gentlemen, the difference between you, is the difference between a penalty and a condition.

Gov. Butler. Certainly. Did you ever hear of a bond with a penalty? I have practised law forty-five years, and I never did.

Mr. Brown. Then you were talking, on page 21, about something you don't know anything about?

Gov. Butler. No, sir. I said the law had no penalty.

Mr. Brown. Then His Excellency goes on, and the chairman makes a remark on page 22:

"If the Tewksury almshouse delivered these bodies to the Harvard medical college after a bond was delivered to the management at Tewksbury, why should Tewksbury be on trial for the method of dissection or burial of the bodies?"

Then follow remarks of His Excellency, and then again the chairman made this remark:

"As a matter of law, General, do you think they were required to investigate that matter?"

Then follow the remarks of His Excellency. Now what I said a few moments ago, I repeat: that at no time during this hearing has His Excellency suggested that there was any knowledge or information on the part of the trustees, that anything had been done which was wrong. And I submit that no man can be chargeable for not pursuing a bond either with a penalty or a condition until he knows there has been a breach committed. Now, a part of this case is that those men are to be chastised because they did not pursue this bond. But His Excellency throws himself out of court with a somersault, when he says he knows these men didn't know anything about it. Now, after he has called it to the attention of these trustees, if he has, and they investigate the matter, if they find that the business is not properly conducted, and don't look after the bond, that is another matter. But up to this moment, His Excellency, no less than three times when he was last on his feet, in most positive terms excused these gentlemen, and said that he knew these

good men and these good women would not have permitted that thing to go on if they had known it.

Gov. Butler. I reiterate that.

Mr. Brown. I am very glad to hear it. But that throws you out of court.

Gov. Butler. They are not the people I am investigating.

Mr. Brown. No; you are investigating somebody who is not charged at all with anything, upon offences for which nobody is responsible, upon your own declaration. Because nobody could have brought suit on this bond, or have attempted to enforce this bond, until they had knowledge that there had been a breach. Now I don't know anything about what this witness would testify to, nor I don't care. But I think it is a pretty important conundrum to be settled before we go into this matter, whether any of these bodies came from Tewksbury. And it is a very important matter first, before anybody is undertaken to be charged with anything that is unlawful or illegal, to settle what the language of the statute means when it says "remains." Does it mean every atom of a man's body that went into the dissecting-room? It cannot mean that, because if it did no anatomist could ever cut up a body for the purpose of dissection. If he had to return into the casket every atom which the body had in it when he received it, that would be a prohibition upon the whole business.

Gov. Butler. I don't claim that.

Mr. Brown. No medical school, either at Harvard or elsewhere, could exist for a moment in Massachusetts, if the statute of Massachusetts was interpreted in that way. The statute says:

"Every physician or surgeon, before receiving any such dead body, shall give to the board of officers surrendering the same to him, a sufficient bond that such body shall be used only for the promotion of anatomical science within this state, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof" [that is, after dissection, whatever remains] "shall be decently buried."

Well, now, before you can find out whether there has been any breach of this bond, without the knowledge of these trustees, you have got to decide whether the "remains" — what that means; and then you have got to pass upon another question: Who is the judge as to what are the "remains" of a human

body after dissection? Isn't it the officers of the medical school? Is it the trustees of the Tewksbury almshouse who are to judge whether a man who takes a body under the law for the purpose of dissection, has not put into the casket the remains?

Gov. Butler. Neither.

Mr. Brown. Then who is to determine?

Gov. Butler. A jury of twelve men.

Mr. Brown. Well, then, sue somebody at once, and let us have it settled, and don't undertake to settle the law by this blunderbuss before a legislative committee. Now, there is no claim here that any officer of the Harvard Medical School did not use his best judgment in selecting the remains —

Gov. Butler. That is what I am trying to prove. I am trying to prove that they didn't.

Mr. Brown. I beg your pardon; you simply asked what the fact was. Now, you cannot—anybody can see that you have never been into a dissecting-room; for there are some parts of the human body in the process of dissection that it would be of no advantage to preserve. The contents of the stomach and bowels,—what possible advantage would it be to gather these together and put them into the casket? The laws of health, the sanitary regulations of a medical school, would require that such material should be put out of the way. And is there any violation of public sentiment, any violation of good morals, any law violated, by such disposition of such material contained in the human body?

Gov. Butler. Clearly not.

Mr. Brown. Certainly not.

Gov. Butler. I do not think the contents of the stomach will rise again.

Mr. Brown. Well, I think it would depend a good deal upon what there was in it. So, Mr. Chairman, I say that in the claim which His Excellency makes here, there is not even an intimation that even the Harvard Medical School has violated this law. Now why go into it any further? Why, if this course of inquiry is to be gone into, — for what purpose I know not, — it certainly cannot be for the purpose of removing any bad practice that exists. If it is for any political purpose, I am not here for any such purpose. If it is for the purpose of correcting some abuse, I think we ought to know, before we

spend further time, what the abuse is. What is the particular instance of the violation of the public morals?

Gov. Butler. That is what I am going to ask Dr. Dean.

Mr. Brown. Now what would be the result? The Harvard medical college would come in here, and they would be obliged to enter upon a defence in which they would be obliged to call their officers, to call their students who were there, and they would be obliged either to let this whole matter go by default or come in here and spend days and days showing this committee that of the human bodies, hundreds in number, no doubt, that have been brought to that institution for the purpose of dissection, they have always followed them and exercised their best judgment to take everything that existed after dissection had taken place and see that it was carefully interred. That would be the result. And the committee can readily see what would be the length of any such hearing. And I submit the proposition which I stated at the outset: if this matter is to be gone into, the institution, from which I hope His Excellency the Governor will be able to get the degree of LL. D., should not be touched until it has had an opportunity to come in here and defend itself.

Gov. Butler. I want to see whether the degree will be worth anything.

The Chairman. The question is whether the committee will allow Dr. Dean to testify.

Mr. Putney. It seems to me, Mr. Chairman, that as we allowed evidence from the first witness who was on the stand in reference to the disposition which he made of the remains taken from the Harvard medical college, we have already opened up the way by which, if Harvard College wishes to have counsel appear here, they can do so; from the very fact that he testified that he carried them in large numbers to his home, and buried them, if he buried them at all, on his own land. It is my desire to have this evidence brought in simply to corroborate to some extent what we have already heard.

Mr. Wolcott. I move that this evidence be excluded.

Mr. Mellen. I would like to know what it is?

The Chairman. The question to Dr. Dean is of the same nature as the question you put to Dr. Dixwell — as to what disposition of remains Harvard College made after dissection.

Mr. Mellen. I would like to say a word. It seems to me that wherever a minority of the committee, — even if it is one

member, as I assume they are all intelligent, — expresses a desire for the admission of testimony it ought to be admitted here, and it should not be made the matter of a technical rule by the majority. The will of one member should be sufficient. This is a committee of inquiry. It is not a court. It cannot adjudicate on this case. The gentlemen from Tewksbury are not prisoners, they are not criminals; they are managing an institution that is controlled by the State, and as the representatives of the State, or as a part, rather, of the representatives of the State, we have been authorized to make inquiries into the management there; I think it is our place to get all the facts we can; and, as one member of the committee, I maintain that I have the right to say that a question shall be admitted, and it is not the right of the majority of the committee to determine that it is inadmissable. I think it is unfair. I think where any member, as I have heard Mr. Putney, — and I agree with him, I don't know what other members may think, — express a desire for the admission of this testimony, it should be admitted, and no iron rule should be applied. Because, as I remarked at the start, we are a committee of inquiry. We cannot say, even if we are of the opinion that atrocities have been perpetrated there, — we cannot condemn these men, we cannot punish them. We are not a court, and we should not act as though we wanted to assume functions that do not belong to us. We should realize our position, that we are merely a committee of inquiry, and that each member of the committee should be treated with respect, and if he wants a question admitted it should be admitted, despite the fact that the majority do not agree with him.

The Chairman. I supposed the committee was here to adjudicate upon something; if we are not, we had better adjourn.

Mr. Mellen. Yes, sir; we had better adjourn, if you are under that impression.

The Chairman. I presumed we were to adjudicate here upon evidence as to whether there had or had not been any mismanagement at Tewksbury. Now, if we are to be confined to that question, we must adjudicate: we must find whether there is an abuse at Tewksbury or not. But we never shall come to a conclusion upon this question if we are to go aside to investigate Harvard College, or any other institution that is not, as I understand it, on trial here. Now, as to the majority of the committee, — I suppose a committee always controls its own proceedings, and when questions about which there is doubt arise, the majority of

the committee must settle them, or there never will be any end to the hearing. The question now is, whether an investigation into how Harvard College conducts its transactions is any part of this inquiry.

Gov. Butler. I want to protest, may it please your honor, that this is the first time I ever heard that this is a committee of adjudication. If it is I don't want anything more to do with it. I should not come before it. I supposed this committee was to investigate and report the facts to the body, who would then make up an opinion, and if anything was to be done the Senate would adjudicate.

The Chairman. The legislature.

Gov. Butler. Because, where would the poor fellow before the Senate be, after one or two or more senators had adjudicated upon him before he had had a hearing.

The Chairman. This is a joint committee of the Senate and the House.

Gov. Butler. If this is a committee of investigation I am glad to be here, but not if it is a committee of adjudication.

The Chairman. I suppose it is a committee of adjudication as far as reporting whether they find any facts which tend to show an abuse at Tewksbury; I don't mean a judgment.

Gov. Butler. Simply report the facts found, and let the body of which they are only the eyes and ears, not the mind, determine.

The Chairman. Exactly.

Gov. Butler. The committee is the eyes and ears of the House.

Mr. Mellen. Permit me to say they cannot decide, — and I make this interruption because the chairman and a part of the committee, I believe, have been laboring under the impression that they are more than a committee of inquiry, and that they can adjudicate. I believe that the change, which I did not believe in, when we agreed to change the chairman, was made in that line of policy. It was made to get a common layman out of the chair of this committee, and to put in his stead a lawyer who would determine questions that might be raised by the counsel for the institution, technically, and from a technical standpoint. I won't say from a partisan standpoint, for that might be unfair. But I protest now, if I have not done it in the past, to the continuance of any such line of policy; and I should like that we go back to first principles. I should like

to have the committee understand it is only a committee of inquiry. And I would suggest to the chairman some of the views of the investigation in the Reform School case, in the year 1870. I was a member of the legislature then, and attended some of the hearings. And it is within the province of this committee to secure some of the discussions — the document is in the document-room — of that committee. I remember the remarks of Col. John D. Washburn, who was a member of the committee and a prominent member of the House, in which he took the position that the committee was one of inquiry. Others took that position, and said they wanted to admit everything under the sun that went to show any mismanagement in the institution under investigation. I want that we should pursue a similar policy in this investigation, and not presume to be a court of law for the trial of a case, for we are not.

The CHAIRMAN. I don't think there is any doubt in the mind of the committee as to what we are. We are a committee of investigation.

Mr. MELLEN. The chairman says we can decide.

The CHAIRMAN. We can decide whether we find certain facts are proved.

Mr. MELLEN. We can give opinions; but as for the decision, whether they are proved or not, the legislature alone is to determine, not we.

The CHAIRMAN. I don't understand we give an opinion: we are to find certain facts.

Mr. MELLEN. We can give what we believe to be facts, or give opinions, but it is for the Legislature to determine whether that which which we submit to them is right or wrong. And I maintain, in support of that view, that the opinion of a minority, or the opinion of a single member as to the admissibility of evidence, should be respected, and the opinion of one member of this committee of inquiry, not court, should govern in the premises.

Mr. MURPHY. I am glad this question has been raised at this stage, because sooner or later I should have raised it: after that remark of the chairman that I was intimidating, at a previous meeting of this committee, simply because I said I was going to ask a simple question which I thought would be of importance to me in making my decision upon the matter. I hold this to be the proper theory of the investigation, in fairness and justice: that if there are any laymen who do not understand the

technicalities of the law, they should be allowed to ask any questions they think would help them in getting at the truth. This may not be the law, but it seems to me equitable.

The CHAIRMAN. It seems to me to come down to this, whether a majority or a minority of the committee is to control the proceedings of the committee. There must be a limit somewhere.

Mr. MURPHY. It looks to me, if the majority have the right to say what shall, and what shall not come in, like putting off investigation.

The CHAIRMAN. Is not that the truth anywhere, that the majority controls in any tribunal?

Mr. MURPHY. I don't know; I won't say it is because I don't know; but if the majority has that power it seems to me a very dangerous power in a case of this kind, where there is to be an investigation.

Mr. MELLEN. The point comes in here, — if the majority are disposed to prevent the admission of testimony which the minority think ought to be admitted, then the majority is doing an act of injustice, for which they have the power but not the right.

Mr. CHAMBERLAIN. This being a committee of inquiry, I suppose we are here to inquire into and, as far as we can, to get at the facts. I know, and have known from the first, of no better way for this committee to ascertain facts, than to bring persons here who are cognizant of particular things, and have such persons testify to what they know. But the committee has admitted entirely different evidence, and now comes up this matter of the Harvard Medical School. Now, I don't agree with the gentleman from Worcester that any one member of this committee can ask to have any kind of evidence admitted that he chooses to ask to have admitted; for under such a principle you may be investigating my business at the abattoir before you get through. If that is to occur, I would like to have notice served upon me, that I may be represented by counsel.

Mr. MELLEN. If we find out that you received any bodies from Tewksbury, we will investigate you.

Mr. CHAMBERLAIN. Now, we are here to investigate affairs connected with the Tewksbury almshouse; and any gentleman of this committee, or anywhere else, who thinks I am not perfectly desirous of going to the bottom for facts, is mistaken. I am not desirous of going to the bottom for sensational mat-

ters, but for facts. Now when we come to this matter of Harvard College, it does seem to me that it ought not to be admitted here, unless we know upon what we are to proceed. I voted against it before, and although it has been reconsidered, I shall vote against it again.

Mr. PUTNEY. I would like to ask if we have not already admitted evidence in that same line.

Mr. CHAMBERLAIN. You have admitted a certain class of evidence in that line; but I think this may be opening up an entirely different class of evidence, which may not be sustained by facts at all. I find nothing in the Governor's address, or in his inaugural, that brings in Harvard College, or anything which relates to it. Now, if we are to step in there, they should certainly have been notified, and the committee should have known, before we commenced, upon what sort of an inquiry we were to enter. I was in favor, from the very first, of any inquiry which should lead to the facts, and having persons cognizant of facts come in here to testify to facts.

Mr. MELLEN. If there is anything done at Harvard College, whether by any of the faculty or by some of the subordinates or minions, that conveys information relative to the disposition of dead bodies at Tewksbury, it is but fair that this committee should know it.

Mr. RISTEEN. I think we are wasting a great deal of valuable time, and I hope the question will be put, and the question decided.

[The committee voted to admit the testimony.]

Mr. LEARNARD. Before we proceed to take the evidence of this witness, I would suggest that there are other duties for the members of the committee to attend to, and I would therefore move that we adjourn until to-morrow morning at 9 o'clock.

[Adjourned to meet at 9 A.M. on Thursday, April 12.]

NINTH HEARING.

THURSDAY, April 12.

The committee met in the Green Room at 9 A.M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The chair has noticed that an order has been passed in the House, asking that certain seats be reserved for members of the legislature. It has not reached the committee officially, but the chair will take the liberty to ask that to-morrow morning the doorkeeper will reserve these seats [to the left of the chair] for members of the legislature. Now, Gov. Butler, you may proceed.

TESTIMONY OF DR. EDGAR E. DEAN (*resumed*).

Direct examination by Gov. Butler.

Q. Dr. Dean, at the moment of adjournment yesterday I was asking you how many dissecting tables there were when you were at the Harvard Medical School? A. I have no memorandum of them, but I think I would say ten or twelve.

Q. And I suppose one body to each dissecting table? A. When there was material for the tables.

Q. And five students to a body? A. Yes, sir.

Q. About how long, on the average, would a body be in dissection? A. It would depend somewhat on the care which the students took of the body or part, keeping it wet; perhaps ten days; a week or ten days.

Q. (By Mr. LEARNARD.) May I ask what year this was in? I don't catch it. A. If the gentlemen will allow me I will explain that now. In November, 1859, I first entered the institution as a medical student; I remained there four months, or what we would call during the winter term. The next spring, after the closing of the school in March, I spent my time with a private tutor. The following November I should have entered

again, but being out of health, I only spent a portion of the following four months there; that would be in 1859–60; and in 1860–61 I remained in the institution four months, and graduated in March, 1861.

Mr. Brown. Now, I pray the judgment of the committee whether this is competent in another view. There is not the slightest syllable in this whole investigation which shows that any body came from Tewksbury to the Harvard Medical School prior to August, 1871, when Dr. Dixwell says that he went there as a medical student.

Gov. Butler. Well.

Mr Brown. Now, this is ten or eleven years before that. Now, taking the words of His Excellency, that Harvard College was at one end, and Tewksbury almshouse at the other, it seems that there is a gap of eleven years between the two things. I think there should be some connection made before Harvard College is further investigated.

The Chairman. This point was introduced and argued yesterday, and the committee voted to admit the evidence. Go on, doctor.

Gov. Butler. And brother Brown has lobbied a little since.

Mr. Brown. Not a syllable of a lobby. And I want you to understand distinctly that I don't lobby with this committee, nor with this House.

The Chairman. It is hardly a proper remark for counsel to make.

Mr. Brown. I am trying to be as courteous as possible, but I don't intend to have any insinuations of that kind.

The Chairman. I refer to the remark of Gov. Butler.

Gov. Butler. Whenever that is in issue we can show some evidence about it.

Q. Now, doctor, you have answered when you were there. What was done with the remains of a dissection? I suppose the skeletons were usually preserved? A. Not to my knowledge.

Q. What? A. Not to my knowledge.

Q. They were not? A. Not to my knowledge.

Q. I had supposed they might be preserved for other use. Now what was done with the remains? After you got through with the investigation of them, what was done with the remains? A. About every table there were pails; and the *debris*, as we got through with it, — the liver, heart, lungs,

skin and veins, that we got through with, were placed in the pail.

Q. To each table? A. Yes, sir. In the room there were pails that were used instead of throwing them on the floor or leaving them on the tables. And for the length of time that I was there I understood and believed that they were put down a vault.

Q. Where was that vault, if you know where that was? A. Parallel with and adjacent to, separated by a partition, was a long entry leading from the court-yard in front of the college to the dissecting-room. Midway of that long entry was a bulk-head, which was fastened; and I always understood that the material was put down there.

Q. And connected with tide-water? A. That was generally understood, I think, at the time, by the students; it certainly was by me. The tide ran in under the buildings.

Q. What was the popular name of these remains, sir, at that time? A. I do not get the question.

Q. What was the popular name of these remains among the students at the time? A. I used to hear it frequently called lobster-bait and eel-bait, and such as that.

Q. Did that state of things continue while you were there? A. The same state while I was there, as far as I know.

Q. Now, sir, we are told in the Parkman trial that there was some evidence that Webster tried to get Mr. Parkman's remains down a vault; was this the vault? A. I understood it was, from the janitor.

Q. Were you shown any marks of files, or other things, that were spoken of as showing an effort to file off the lock? A. On the hasp of the vault were some chisel-marks, which were shown me.

Q. Dr. Dean, do you know why or how you came here, except by a summons? A. No, sir.

Q. You never communicated to me anything about it? A. No, sir.

Q. Or to anybody else? A. Well, I am fearful I have; but I don't know to whom. Otherwise, I don't know why I am here.

Gov. Butler. Simply because you are a student named on that catalogue, I guess.

Cross-examination.

Q. (By Mr. Brown.) Doctor, you don't know anything about whether the tide did ebb and flow under this building or not? A. No, sir; I do not. I so understood.

Q. Have you ever read the testimony in the Webster trial? A. I did, years ago.

Q. Don't you know that it appears by the testimony in the Webster trial that this is a closed vault, sir, from the bottom to the top, and that the tide don't ebb and flow in it? A. I do not, sir.

Mr. Brown. Then I refer you to the Webster trial for that fact.

Q. (By Gov. Butler.) One word. The vault where the Parkman remains were put was another vault, was it not? A. Yes, sir; I have understood it was.

Gov. Butler. It belonged to the water-closet. That is all, sir.

Testimony of Ellen Barry (*sworn*).

Direct examination by Gov. Butler.

Q. Mrs. Barry, your husband has been on the stand here, has he? A. No, sir.

Q. Were you ever at Tewksbury? A. I have lived near the Tewksbury State almshouse these two years; I have never been to work there.

Q. Have you been at Tewksbury? A. No, not in the almshouse, sir. I have lived near there.

Q. How near there? A. Well, two minutes' walk; not more than that, I guess.

Gov. Butler. You may step down for a moment, because I don't happen to have my memorandum of your testimony. Mr. Innis has been called away, and he has the memorandum which I ought to have.

Testimony of Jacob L. Burt (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Burt, what is your age? A. Forty.

Q. And your full name? A. Jacob L. Burt.

Q. And you live where? A. I live in Tewksbury.

Q. Whereabouts in Tewksbury? A. Well, I live about a third to a half a mile from the almshouse.

Q. How long have you lived there? A. I have lived there eleven years.

Q. Have you known the people at the almshouse? A. Somewhat.

Q. Had anything to do with it? A. In what respect, sir?

Q. In any respect. A. I have had some teeth extracted there by a physician.

Q. That all? A. I have sold small lots of wood there.

Q. That all? A. I bid once to supply a part of the milk.

Q. You bid upon that? A. I did, sir,

Q. When was that, Mr. Burt? A. Well, I bid some six or seven years since, I think.

Q. Are you a farmer there? A. I am, sir.

Q. How large a part of the milk did you bid to supply? A. Well, the whole amount was one hundred and forty-four quarts per day. My neighbor, by the name of Mr. Pillsbury, and I, bid for the whole amount, seventy-two quarts each.

Q. Were you able to supply the milk? A. Were we able to supply it? Yes, sir.

Q. What was your bid? A. My bid was four and one-third cents per quart, — our bid.

Q. Was this for the year? A. Was it dear, did you say?

Q. Was it for the year? A. Yes, sir; for the year.

Q. Did you get it? A. We did not.

Q. Who did? A. A Mr. Livingston, living at Tewksbury, supplied one part, and the poor-farm at Billerica supplied the other part.

Q. Who was the bidder against you? A. I suppose Mr. Livingston and the overseers of the poor-farm at Billerica.

Q. Do you know at what price they got it? A. Four and one-half cents per quart, I understood.

Q. Do you know any reason why your lower bid was rejected? A. Well, I think I know of a reason; I have my impression.

Q. Well, I don't want simply your impression or belief; if you have any fact upon which it is founded you can state it, otherwise not. A. I have no fact.

Q. Was there anything stated to you, in any way, why yours should be rejected and a higher one taken? A. Stated to me?

Q. Yes. Was there anything stated to you by the authorities at Tewksbury almshouse why your lower bid should be

rejected and a higher one taken? A. I have heard something about a fractional part of a cent per quart being objectionable: that it was most too small to figure up. I have heard something to that effect.

Q. A fractional part of a cent; but this was a fractional part of a cent, — a half. I don't understand it. Won't you explain? Is it not as easy, in our arithmetic, to deal with a third of a cent as to deal with a half? A. Well, there was a difference between four cents and a third and four cents and a half.

Q. And the bid for four cents and a half was taken? A. Yes, sir.

Q. How long, — do you know whether they continued to supply? A. For one year, I expect.

Q. Did you bid again? A. I did, a year or two following; I don't recollect just how long.

Q. Did you get it? A. No, sir.

Q. Why not? A. Well, it was all square that we did not. That was sealed proposals; that bid was carried out, — sealed proposals.

Q. In that case you did not get it, and you say it is square that you did not; somebody bid as high or as low as you did, I suppose? A. Well, they had an opportunity to reconsider their bid. Their bid was a little higher than ours, and they had a chance to come down to our bid.

Q. That is to say, the sealed proposals were put in, yours was the lowest, and then they had a chance to reconsider theirs and come down to yours? A. That is the way I understood it.

Q. Who were the parties that got the bid that year? A. The overseers of the town farm at Billerica and Mr. Livingston.

Q. The same parties? Did you bid again? A. I did, sir.

Q. Did you get it that time? A. Well, Mr. Pillsbury got a part of it, and one of the parties was to supply for the coming year, and he continued to supply.

Q. By "one of the parties," whom do you mean? A. Mr. Livingston.

Q. He got it that time? A. Well, he didn't supply only for a day or two, and then I got a chance afterwards to supply the milk.

Q. Was his bid lower than yours to begin with? A. Well, it was the same, I think. If they made the same bid that I

did, they could still have the right of supplying the milk. Of course they had the advantage of us.

Q. That is, if they bid the same as you did, they were to supply? A. Yes; that was understood, sir.

Q. And then Mr. Livingston supplied for a day or two and gave it up. What was your bid, — the last one? A. I think it was three and one-quarter cents.

Q. When was that? A. That was two years ago this coming May, I think; I think it was two years ago.

Q. Are you supplying now? A. No, sir; I never supplied.

Q. I thought Mr. Livingston took it for a time and then gave it up and you had it? A. Well, I had different arrangements then; I didn't want to supply it.

Q. So that you didn't get it then? A. Well, it was at my option.

Q. But you had made different arrangements and did not choose to supply it. Well, who did? A. Two men, Mr. Bridges and Mr. Carter, supplied the one-half that I had a chance to supply.

Q. At that price? A. Same price; yes, sir.

Q. Did you bid any more? A. I never did.

Cross-examination.

Q. (By Mr. Brown.) What was the year when you made your first proposal? A. Some six or seven years since.

Q. Is that all you can tell me, — some six or seven years since? A. That is about as near as I can get at it.

Q. Was the proposal in writing? A. No, sir; it was not.

Q. And who was to be your partner on the first occasion? A. A Mr. Pillsbury.

Q. Did you ever, at any time, make a proposal with any other man except Mr. Pillsbury? A. For the milk?

Q. Yes, sir. A. No, sir.

Q. Did you always make a proposal with Mr. Pillsbury, when you made any? A. Yes, sir.

Q. Never made a proposal with anybody else except Mr. Pillsbury? A. No, sir.

Q. And you think you made proposals three times, do you? A. Yes, sir.

Q. And the second and third times the proposal was in writing? A. I think it was.

Q. And you understood it was always in the judgment of the trustees whether they would accept your proposal or that of somebody else, did you not? A. I suppose it would be so.

Q. And you understood they were not bound to take the lowest price, did you not? A. I cannot say that I understood anything about that.

Q. Well, didn't you understand that the trustees had the right to exercise their judgment, having in mind the price, the responsibility of the party, the quality of the article to be furnished, and other things such as might be familiar to you. A. Well, I presume they did.

Q. No doubt about it? A. No, sir.

Q. Now, you know that your proposal was rejected each time; and do you know, except as you have stated, on what ground it was rejected? A. Well, the first time it was rejected, I have stated the reason was the difference of price; about the other times, I have nothing to say.

Q. You have no complaint to make? A. I have no complaint to make, — no, sir.

Q. But the first time you felt that your bid ought to have been accepted, because you offered the milk at a sixth of a cent per quart less? A. Well, I was not feeling bad at all; but I thought it made some difference, — a difference of $100 to the Commonwealth.

Q. That is to say, having in view simply the price? A. Yes, sir.

Q. If you had gone on six months and disappointed them, and had not fulfilled the contract, it might have made a difference the other way? A. If I had done so.

Q. (By Gov. Butler.) One single word, sir. Did you have your own cows? A. Yes, sir.

Q. Well, are they as average good cows as anybody's cows, as far as you know? A. I have sold milk for a number of years, and I have never heard any complaint.

Q. Do you know anything that the trustees knew against the quality of the milk that your cows gave? A. No, sir; I don't think they knew anything against it, or against my responsibility.

Q. You were responsible for anything you undertook in that line? A. I never heard my responsibility questioned.

Q. And no question was made about it there in regard to the bids? A. I did not hear of any.

Q. The first time you heard that questioned was by Mr. Brown? A. Yes, sir.

TESTIMONY OF JAMES A. GOODWIN (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Goodwin, did you ever go to Tewksbury? A. Yes, sir.

Q. When? A. In 1879.

Q. What did you go there for? What was the matter with you that caused you to go there? A. I was sick with pneumonia.

Q. How sick? A. I was not able to sit up.

Q. Were you admitted? A. I was, sir.

Q. Did you desire to go to the hospital? A. I did, sir.

Q. Any difficulty in getting admitted there? A. I was admitted the first day and stayed six days.

Q. What, sir? A. I was admitted the first day I was there and remained in the hospital six days.

Q. What was done with you then? A. I was discharged and sent to the shanty. I was discharged from the hospital and sent with the other men to the shanty.

Q. Well, where was it? Somewhere where well patients were sent, I suppose? A. Yes, sir.

Q. Have you got well? A. No, sir.

Q. Whether you had a bad cough at the time? A. I did, sir.

Q. Any hemorrhage? A. Yes, sir.

Q. Do you know why you were sent to the shanty? A. I do not.

Q. This was in 1879; in January? A. In December.

Q. In December, 1879? A. Yes, sir.

Q. After being there three weeks did you make any complaint about this change? A. I said I was not able to leave the hospital.

Q. After that, did you write any complaint to anybody? A. I did, sir.

Q. To whom? A. To Gen. Butler.

Q. What was done with that letter? A. I don't know. I heard from it.

Q. Well, was not that letter referred to the doctor? A. I was referred to Dr. Lathrop, I believe.

Q. Did he tell you so? A. He did, sir.

Q. Won't you state all he said about it? When I referred it to him what did he say to you about it? A. He asked me if my name was James A. Goodwin. "Yes, it is." "Did you write a letter to Gen. Butler?" "I did, sir." "For what reason did you write such a letter?" "Because I wanted satisfaction." "Couldn't you have got satisfaction here?" "I could, sir, by asking some one outside the ring"

Q. Well, what did he say to that? A. He wanted to know what I meant by "the ring." I told him: "Those that were running the institution."

Q. What further was said? A. He walked off and left me with those words.

Q. Were you detailed to labor? Were the people in the shanty, and you among them, detailed to labor? A. I was not detailed to labor, sir.

Q. You were not detailed to labor? A. No, sir.

Q. What was your complaint, sir, that you wrote to me? A. That I had pneumonia, had a bad cough, and was raising blood.

Q. No, that is what was the matter with you. Any complaint about bathing did you write to me? A. Yes, sir.

Q. What was it? I don't care about the letter, because Dr. Lathrop can produce the letter; but what was the trouble about bathing? A. I thought there was too many bathing in one water.

Q. How many? A. I saw twelve bathe in one water.

Q. What water was this? Where was it? A. It was in the sink-room, connected with the hospital — the bath-tub.

Q. Hospital patients? A. Yes, sir.

Q. Not the general patients. What sort of a tub was that? A. It is an ordinary bath-tub.

Q. And these were hospital patients? A. Yes, sir.

Q. Well, won't you describe it. Did you bathe in it? A. I did, sir.

Q. Willingly? A. No, sir, I did not, willingly.

Q. Well, did others make objection as well as you to being put into a bath-tub where eleven had bathed before them? A. I do not fully understand your question.

Q. I say, did the other patients of the hospital make objection to that as well as you? A. I heard one man say that he didn't think much of the arrangements for bathing.

Q. What was the condition of the water? A. It was filthy.

Q. What? A. Filthy.

Q. Filthy with what? A. Dirt.

Q. Any of these patients that bathed in it have ulcerations or sores about them? A. Yes, sir.

Q. Was the ulcerated matter in the water? A. I should say it was; it looked rather greasy on top, the water did.

Q. Anything else in it? A. Well, the water looked black and dirty.

Q. How long — bathing patients with the water unchanged — did that sort of bathing go on while you were there? A. It was stopped directly after the letter returned from you.

Q. Then I did some good? A. Both of us did it.

Q. Did it stop before? A. No, sir.

Q. This you say was in 1879? A. Yes, sir.

Q. What was the character of those ulcerations on those bathing there? A. Running sores.

Q. Well, from what cause, do you know? A. Venereal diseases.

Q. How considerably? Take one of them. A. Well, I saw one who had a pretty bad sore on the glands, and others had sore legs.

Gov. Butler. Speak as loudly as you can.

The Witness. I am rather weak; I will do the best I can.

Q. Well, perhaps they sent these syphilitic patients into the bath last? A. No, sir; they took them single-file. They always all stood along in single row and passed in as they came along. It made no difference who came first or last.

Q. You have consumption now, haven't you? A. Yes, sir.

Q. And when you went there you hardly expected to last, did you? A. No, sir; I did not expect to last; I did not expect to come out alive.

Q. When you went there did you give the name of any friend to whom address should be made? A. I did, sir.

Q. In case of your decease? A. Yes, sir.

Q. Who was it? A. Walter Whitney of Waltham.

Q. You gave that address to the clerk? A. I gave that address to the man in the hospital.

Q. Well, you mean in charge of the hospital. A. Yes, sir.

Q. So that — what did you give the name of that person for? A. In case that I should die that he should see to my burial; it being understood between him and me.

Q. Did you own a burial lot? A. I did, sir.

Q. Where? A. In Newton.

Q. Did you give the man in charge at the hospital the name, and tell him the purpose? A. I did, sir.

Q. When you went there sick did you take an overcoat with you? A. I did, sir.

Q. A new one or an old one? A. A bran new one, sir.

Q. Costing you how much, sir? A. Twenty dollars.

Q. How long did you stay there? A. I left there in — How long did I stay in hospital?

Q. At Tewksbury. A. I left there in 1880, April, the last week. I went there in December, 1879, and left there the last week in April, 1880. There about four months.

Q. Well, sir, when you came out did you call for your overcoat? A. No, sir; I did not; had no occasion to.

Q. Why? A. Because it was stolen from me soon after I went there?

Q. Do you know who took it? A. No; I don't.

Q. Where was it? A. It was hanging in the clothes-closet of the hospital, where they placed the other patients' clothes.

Q. Was that the place where it ought to be kept? A. I don't know why it should not be. Other patients hung their clothes there, and mine was hung there with them. When I took the bed the steward of the hospital took my clothes and took charge of them.

Q. How long before you found it was gone? A. I had been in the hospital about a week when I missed the overcoat.

Q. You were in bed in the hospital, I suppose? A. Yes, sir; most of the time.

Q. And you missed it? Did you make inquiries about it? A. I did, sir.

Q. Did you find it? A. No, sir.

Q. Anybody who could give you any information about it? A. Nobody knew anything about.

Q. And you never did get it? A. No, sir.

Cross-examination.

Q. (By Mr. Brown.) Where have you been, Mr. Goodwin, since you left the institution in April, 1880? A. I have been living here in Boston.

Q. Whereabouts in Boston? A. Sometimes I have been out in Dorchester.

Q. And sometimes when you were not in Dorchester, where were you? A. I was in the city.

Q. Whereabouts? A. One hundred and nineteen West Brookline Street.

Q. You lived there with whom? A. Mr. William Butler.

Q. With whom? A. Mr. William Butler.

Q. With whom did you live in Dorchester? A. I worked for a man.

Q. Whom? A. Patrick Murray.

Q. Where? A. At the stable.

Q. What stable? What street? A. Neponset Avenue.

Q. Neponset Avenue? A. Yes, sir.

Q. What are you doing at West Brookline Street? A. I am not doing anything at all. I am not able to work.

Q. What have you been doing since you left the hospital in April, 1880, except work for this man in the stable? A. I have worked in a foundry for awhile.

Q. Where? A. Cambridgeport.

Q. Whose foundry? A. J. J. Walworth's.

Q. Under what name? A. James A. Goodwin. I always went by that name.

Q. And you went by the same name in Dorchester? A. Yes, sir.

Q. The same name at West Brookline Street? A. Yes, sir.

Q. Now, what part of the time since April, 1880, have you been at work? A. Well, I have not been much of any of the time, for I have not been able to work; but when I was able and had opportunity, I would work.

Q. Now, in December, 1879, you went to Tewksbury. What had you been doing prior to 1879? A. I had been at work on a farm.

Q. Where? A. In Dorchester.

Q. For whom? A. Lewis Mason.

Q. What part of Dorchester? Do you recollect the street? A. Adams Street.

Q. Have you any family? A. No, sir.

Q. Have you ever had any family? A. Yes, sir.

Q. Children? A. One child.

Q. Living now? A. No, sir.

Q. And no relatives? A. I have a half-sister.

Q. Where? A. Ipswich.

Q. What is her name? A. Elizabeth E. David.

Q. What is her husband's name, if any? A. Reuben.

Q. Have you ever lived with her? A. No.

Q. Now, what did you do for the five years prior to December, 1879? A. Well I used to work in the foundry; that was my business — moulder.

Q. You had a trade, as moulder? A. I had a trade, sir, as moulder.

Q. At what place did you work besides for Walworth? A. Since I left Tewksbury?

Q. No; before, what place did you work at? A. I have worked for the Hinkley Locomotive Works.

Q. When? A. Before I went to Tewksbury.

Q. What year was that? A. I don't exactly remember now.

Q. Well, what other place? A. Neponset foundry.

Q. Neponset foundry. Do you recollect who was the owner of it? A. Holmes & Blanchard were the men who ran it.

Q. What other foundry, if any? A. I went down in Maine and worked three months.

Q. Where? A. Biddeford.

Q. What foundry was that? A. Water Power Company.

Q. Biddeford Water Power Company? A. Saco Water Power Company.

Q. Any other place? A. No other place in a foundry that I have worked.

Q. When did your wife die? A. July 10, 1868.

Q. And you have had no family since? A. No, sir.

Q. Did you have any money when you went to Tewksbury? A. I might have had fifty cents. I don't think I went there broke, quite. Nothing of any amount.

Q. Nothing more than that? A. No, sir.

Q. Had you ever been in an almshouse before? A. No, sir.

Q. Never been since? A. Yes, sir.

Q. Where? A. I was at Bridgewater.

Q. Bridgewater? A. Yes, sir.

Q. When were you at Bridgewater? A. A year ago last winter.

Q. Well, now, tell me, Mr. Goodwin, haven't you been in the habit of going to some almshouse to spend the winter? A. No, sir; I have not.

Q. For a series of years? A. No, sir; I have not. I have paid my board honestly, and earned my money, and I can prove it to you. I am not here a beat.

Q. Well, Tewksbury almshouse was the first one you had ever been in? A. Yes, sir.

Q. When were you taken sick, in consequence of which you went to Tewksbury? A. I was taken sick in October.

Q. Where were you in October when you were taken sick? A. At Mr. Mason's.

Q. What Mason's? A. Lewis Mason's.

Q. Where? A. Dorchester.

Q. Whereabouts in Dorchester? A. Adams Street.

Q. Lewis Mason's, Adams Street, Dorchester? A. Yes, sir.

Q. What were you doing there? A. Working on his place, — on his farm.

Q. Did you have pneumonia at Mr. Mason's? A. I was taken with it there.

Q. In October? A. Yes, sir.

Q. And you remained there, at Mr. Mason's house, until December? A. I did, until a week after I was taken sick.

Q. Where did you go then? A. To the city hospital.

Q. Here in Boston? A. I did, sir.

Q. How long did you remain there? A. I don't exactly remember; but I stayed there a short time.

Q. Well, tell us all the places where you were from the time you left Mason's, in the middle of October, until December, when you went to Tewksbury. A. Well, I left Mr. Mason's and went to the city hospital and stayed a short time; then went to Canton Street, where I formerly boarded.

Q. What place on Canton Street? Who kept the house? A. Mrs. Town.

Q. What number? A. Twenty-nine, then.

Q. Well, where else? A. I remained there a little while, and then I went to Tewksbury, I think.

Q. Nowhere else. A. Yes, I went down in Maine and stayed after I came from Tewksbury; stayed a month, and came back.

Q. Where did you stay in Maine? A. I stayed with some friends I had there.

Q. Who were they? A. Well, they were, — Mr. Butler lived in Maine at that time.

Q. Well, whereabouts? Give us his full name and address. A. Well, sir; he lived in Biddeford, Me.

Q. Do you recollect the name of the street? A. Pine (?) Street; I don't know the number.

Q. It is the same Mr. Butler with whom you are now living? A. Yes, sir.

Q. Now, since 1868, what have you been doing besides working in a foundry? A. Well, after my wife died, I took a watchman's chance at Waltham, in the bleachery.

Q. And that is where you got acquainted with Mr. Walter Whitney? A. No; I knew him before I took the watchman's berth.

Q. Now, what else besides working in the bleachery, in the foundry, and on the farm? A. Well, that is all.

Q. Now, you speak about this bathing. You were six days in the hospital? A. Yes, sir.

Q. You thought you were taken out of the hospital too quickly? A. I did, sir.

Q. Did you have any idea why it was that you were taken out of the hospital so quickly? A. I did not.

Q. Do you recollect whether or not the hospital was crowded? A. I don't think it was; no, sir. There was four spare beds at the time.

Q. Four spare beds at the time you were taken out? A. Yes, sir.

Q. And that was in the month of December, 1879. And you are very certain about that? A. I am; yes, sir: very certain about it.

Q. How many inmates were there in the hospital when you were turned out? A. I don't know exactly.

Q. Well, could you tell about how many? A. No, sir; I could not.

Q. You were in the long hospital; the long building which stands off at the left as you go in the gate? A. Yes, sir.

Q. There are three or four wards aren't there, in that? A. There are two, certain.

Q. Now, which of these two wards was it you were in? A. It was what was called the male ward.

Q. [Referring to the plan.] This was the building here, was it not; this being the large old building occupied by Mr. Marsh? That was the building you refer to; this to the left of the gateway? A. Yes, sir.

Q. Now, which of the wards were you in? The one nearest the gateway or the farthest from it? [The witness indicated the location.]

Q. That would be the farthest from the dead-house also? A. Yes, sir.

Q. And nearer to the insane hospital? A. Yes, sir.

Q. And you were in there how long? All the time from the time you were taken there? A. No, sir.

Q. In that ward all the time from the time you went to the hospital until the time you were taken out? A. Left Tewksbury?

Q. No, sir. From the time you went into the hospital at Tewksbury until the time you left the hospital at Tewksbury, you were in that one ward? A. No, sir.

Q. Where else? A. I was transferred into the convalescent ward.

Q. When? At the end of six days? A. No, sir; after being admitted a second time to the hospital.

Q. A second time. Well, when did you leave first after your admission? A. I went to Capt. Marsh and told him I was too sick to stay out, and asked him to send me back. He told me to go to the hospital and tell them he sent me there.

Q. That was in the month of December? A. Yes, sir.

Gov. Butler. The very book I want is taken away. I now know what the haste about that book was.

Q. How long were you in the convalescent ward? A. I was there till I left Tewksbury.

Q. You remained there the entire length of time? A. Yes, sir.

Q. Now, with the exception of the complaint you made to Capt. Marsh and the complaint you made by letter to Gen. Butler, did you make any other complaint? A. I did not.

Q. Why not? A. It was not necessary.

Q. Not necessary? A. Not for me.

Q. Why not? A. I got satisfaction.

Q. What is that? A. I got satisfaction.

Q. Got all you wanted. A. Got what I asked for.

Q. Got what you asked for? A. Yes, sir.

Q. Now, you spoke about going into this bath unwillingly. Why unwillingly? A. Because I thought the water was too dirty and filthy. I had not been used to bathing in such water.

Q. Are you accustomed to bathing much? A. I generally bathe if it is necessary.

Q. That is the only reason that you went in unwillingly? A. Yes, sir.

Q. How frequently do you bathe now? A. Well, when I feel like it; when I feel as though I wanted to take a bath.

Q. How recently have you bathed your face and beard? A. Well, I generally wash my face in the morning.

Mr. MELLEN. Mr. Chairman, it is possible that is relevant, but I do not think it is. I think it is insulting, and I think it is unkind for the counsel to insult a sick man.

The CHAIRMAN. I think it is going a little too far. I don't see that it has much weight.

Mr. BROWN. I can only say in answer, that if the gentleman will inspect the witness, he will see there is occasion for my question.

Q. Did you bathe this morning. A. I washed my face and hands this morning.

Q. When did you bathe before this morning? A. I wash my face every morning, sir.

Mr. MELLEN. Mr. Chairman, I protest against the counsel's pursuing this line of inquiry any farther.

Mr. BROWN. I have got all through, Mr. Chairman.

Gov. BUTLER. I want to ask a single question.

Mr. BROWN. I want to put one or two other questions

Q. Now, in regard to this overcoat; how soon after you got into this hospital was this overcoat taken from you? A. I don't know.

Gov. BUTLER. Do you mean when he lost it?

The WITNESS. I missed it about a week after.

Q. The closet in which this coat was put was accessible to you, was it? A. It was.

Q. Within your sight as you lay on your couch? A. I could see it; yes, sir.

Q. It was not packed away in any store-room? A. No, sir.

Q. You thought somebody stole it? A. In all probability they did; I never saw it afterwards.

Q. You never had any reason to know who it was? A. No, sir.

Q. Or how it came to be gone, except that you suspected it was stolen. Now, while you were in Tewksbury you had occasion to know that all kinds of people, and all classes of people, were sent to that institution, did you not? A. I did, sir.

Q. And you had occasion to know that a great many people came to that institution in extremity and in want, who were not above taking things if they got a chance, did you not? A. I did, sir; I was aware of it.

Q. (By Gov. Butler.) Had this closet where the clothes were hung up, any key? A. No, sir.

Q. It had not? A. No, sir.

Q. This was where, if I understood you, the hospital steward, or whoever had charge of them, put your clothes? A. Yes, sir.

Q. He put it there; you didn't? A. No, sir.

Q. Supposing you were going to stay? A. I was hoping to be but I was not delivered.

Q. You said you wrote to me; did you have any acquaintance with me at all before you wrote? A. No, sir; not personally.

Q. Never saw me to speak to me? Do you remember you did or didn't? Or had you been a soldier? A. No, sir.

Gov. Butler. That is all, sir.

Q. Did you say you had never been a soldier?

Gov. Butler. He might have seen me.

Q. Had you ever enlisted? A. No, sir.

Q. (By Mr. Mellen.) Did you hear, while in that hospital, of any other patient losing a garment? A. Yes, sir.

Q. Many? A. I heard of one man losing another overcoat.

Q. About the time you lost yours? A. Yes, sir.

Q. You spoke about getting satisfaction; what did you mean; the gratification of some desire for revenge? A. To have that water changed.

Q. That was all. You had no feelings against the authorities? A. No, sir; I had no feeling against anybody, except to have clean water and decency.

Q. Who had charge of the bathing apparatus when you were there? A. His name was Rollins.

Q. Do you recollect his full name? A. I do not.

Q. What was he? A. He was the head ward-master of the ward.

Q. (By Gov. Butler.) Did he remain there all the time you did, or did he go to work for Miss Manning? A. He remained.

Gov. Butler. I want now to use the register for 1879. I do not see any occasion to take that away; but I learn that Mr. Marsh, the clerk, has called for it and got it. I now speak from memory, and from the examination I have made of the book, in the place where Mr. Goodwin's name is entered he is entered as a widower, without children or relatives, — there is a heading of this kind, — and there is no entry of Mr. Whitney's name, so that he could have been claimed, as he directed, in case of his death.

The Chairman. I suppose the book will be produced.

Mr. Brown. I understand, Mr. Chairman, that this is the fact: That under the law these people are required to make certain returns, and it is absolutely impossible for them to make weekly returns without this book. Consequently a request was made and one of these books was returned. I understand it will be returned again to the Governor.

The Chairman. I asked the Governor to examine that as soon as he could, and I suppose it will be returned again if he desires it.

Gov. Butler. You see I complied with your request I meant it should be kept until I could produce it here.

Mr. Mellen. Now I suggest, Mr. Chairman, that if there are any more books to be taken, this committee's convenience shall first be consulted. I don't know but what it has been. Has it?

The Chairman. I suppose Gov. Butler's convenience is to be consulted in regard to this particular book.

Gov. Butler. And I want the ledger returned. I cannot see how they are going to make returns from that.

Mr. Brown. The Governor has the ledger now.

Gov. Butler. No. I have just been informed that the ledger and register have been taken.

Mr. Brown. So I am informed.

Gov. Butler. And as the journals here have not been posted for some considerable time —

The Chairman. Let Mr. Charles B. Marsh stand up. [Mr. Marsh stood up.] Mr. Marsh, what books have been taken?

Mr. Marsh. I took home the books that were in use at the present time in the office. I took them to make up the weekly return to Mr. Sanborn this morning.

The Chairman. What books?

Mr. Marsh. I took home the two registers, which contain all the names of the inmates of the institution.

The Chairman. And the ledger —

Mr. Marsh. The ledger I did not touch.

The Chairman. Well, those may be returned to the Governor's room.

Q. (By Mr. Risteen to Mr. Goodwin.) Were you admitted to the almshouse from Boston? A. I was, sir.

Q. From 30 Pemberton Square? A. From 30 Pemberton Square.

Gov. Butler. That is the proper office?

Mr. Risteen. Yes, sir.

Mr. Brown. I want to ask one question brought out by the remark of His Excellency the Governor.

Q. (By Mr. Brown.) After you got into the hospital, I understand you communicated to the person in charge of the hospital the name of this Mr. Whitney, — Walter Whitney, — did you, sir? A. I did, sir.

Q. You didn't communicate it to anybody in the office, when you were admitted to the institution, did you? A. Mr. Rollins took my name, age, where I was from, and then asked me: "Is there anybody you wish to refer to, supposing anything should happen more than we know for?"

Q. That was after you got into the hospital? A. Yes, sir.

Q. How soon after you went in? A. He took it right down directly; I saw him taking it down.

Q. Are you perfectly certain you gave him the name of Walter Whitney? A. Yes, sir, I am.

Q. Was the entry made in your presence by Mr. Rollins? A. I didn't look on the book to see what he wrote.

Q. You saw him make an entry? A. I saw him writing; I did not see what he wrote.

Q. You didn't see it? A. No, sir.

Q. Do you have any reason to believe that Mr. Rollins wanted to conceal anything? A. I don't know anything about it.

Q. Do you think he heard you? A. I know he did.

Q. (By Mr. Mellen.) Is Mr. Rollins the officer in the ward of the hospital? A. He is; yes, sir.

Q. Was it at his desk that he was making this inquiry? A. It was; yes, sir.

Q. When you were changed out of the hospital was any reason assigned except that you were well enough to go? A. Not that I know of.

Q. Did you protest? A. I told the doctor I had a very bad pain in my side.

Q. Was it Dr. Lathrop? A. Dr. Foster.

Q. (By Gov. Butler.) Do you know whether Dr. Foster was a portion of the Marsh family, or not? A. I don't.

Q. I want to ask you: Does your wife lie in your burial lot at Newton? A. She does, sir.

Testimony of Hattie A. Jackson (*sworn*).

Direct examination by Gov. Butler.

Q. Mrs. Jackson, what is your full name? A. Hattie A. Jackson.

Q. At what time, if ever, did you go to the Tewksbury almshouse? A. This last December.

Q. Why did you go there? A. Because I were sick and were not able to work.

Q. How long were you there? A. I were there three weeks.

Q. Where did you go; into what part of the almshouse? A. I went into the workhouse, I suppose they would call it.

Q. Did you go to the hospital? A. I were down to the hospital and stayed three days.

Q. You went down to the hospital and stayed three days? A. Yes, sir.

Q. Were you sick there? A. No, sir.

Q. Did you ask for any medicine? A. Yes, I asked for medicine.

Q. Well, whom did you ask? A. The lady doctor.

Q. The lady doctoress; who was she? A. Wilkins, I think it was.

Q. Doctor Wilkins. Did you get any? A. No, sir.

Q. What did she say when you asked for it? A. She didn't think I needed any.

Q. You stayed three days at the hospital. Where were you then put? A. In the workhouse again.

Q. Again at the workhouse. What room in the workhouse? A. I worked in the sewing-room.

Q. How long did you stay there? A. Well, I were there all the time I were there, excepting three days.

Q. How long were you there in the sewing-room? A. Three weeks.

Q. Did you leave then of your own accord? A. Yes, sir.

Q. Why did you leave? A. Because I did not have enough to eat, and I grew poor while I stayed there, and I thought I were getting worse in the room of getting better, and I thought I would be better to go. I had some friends that were kind enough to help me.

Q. You had some friends to go to. Now give us a little account of your breakfast? A. A slice of bread and a bowl of what they called coffee, I suppose; I should call it slops; it was not fit for the hogs to eat, let alone a woman.

Q. Any butter with the bread? A. No, sir.

Q. Any meat? A. No, sir.

Q. Show us, as nearly as you can, about how large a slice of bread? A. Oh, it were large enough; I could not eat it.

Q. What was the trouble? A. It was not fit for any one to eat.

Q. Tell us a little more what the matter was with it? A. It was sour; it was dry; it was hard, and it was poor flour in the beginning.

Q. And I suppose it had not been improved by cooking? A. Whatsay?

Q. It hadn't been made any better by cooking? A. No, sir; I don't think it had.

Q. And the coffee, — was there milk in the coffee? A. I think there were a very little, and some molasses, I think.

Q. What were you kept doing? Sewing on what? A. On clothing that we made for the inmates to wear.

Q. Thick clothing? A. No.

Q. I mean woollen? A. No, sir; cotton.

Q. Cotton clothing made for the inmates to wear. How many hours a day were you kept at work: from what time to what time? A. I guess about eight o'clock we went to work and worked until twelve; and went to work at one, and worked until four.

Q. I believe you told us it was in December you went there? A. Yes, sir.

Q. When you went there, had you proper clothing? A. I had. When I went there my own clothes were taken from me and locked up in the baggage-room, and other clothes put on.

Q. Thick flannels? A. No, sir; I don't think they were.

Q. I mean those you had when you went there? A. Yes, I had good warm clothing.

Q. They were taken away from you and put into the baggage-room. When you came away what clothing was given you? A. My own clothing was given me when I came away.

Q. The same that you had when you went there? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. How old are you? A. Twenty-eight years old, sir, the 26th day of this month.

Q. And I didn't hear the day when you went to the hospital? A. Well I don't know as I can tell myself.

Q. Well, as near as you can? A. I think it was in the last of December; I think it was toward the last of December.

Q. In what year? A. In 1882.

Q. That is this last year? A. Yes, sir.

Q. What was the occasion of your going to Tewksbury? A. Well, I were not able to work, and they told me I could go there and stay. I had no idea what kind of a place it was; I never was in such a place.

Q. Who told you you could go there to stay? A. Why friends I had here.

Q. In Boston? A. In Lowell; I went from Lowell.

Q. You went from Lowell? A. Yes, sir.

Q. Who were those friends that wanted you to go to Tewksbury? Just give us their names? A. Mr. Howard.

Q. His full name? A. Cyrus Howard.

Q. Cyrus Howard. What is his address? A. No. 247 Broadway.

Q. And who else advised you to go to Tewksbury? A. Well, I think that were all.

Q. Do you think of the name of any other person? A. No, sir.

Q. Now, what was the sickness from which you were suffering? A. I were in a family way.

Q. In a family way. Are you married? A. Yes, sir.

Q. Were you at that time? A. Yes, sir.

Q. Was your husband living with you? A. No, sir.

Q. Where is he? A. He is in Montana.

Q. When did he go to Montana? A. It will be three years the sixth day of next May.

Q. And you haven't seen him since? A. Oh, yes.

Q. When did you last see him? A. Let's see, what month was it? It was in August I came home. I went there with him when he went.

Q. Did you have relatives in Lowell? A. Yes, sir; I have relatives in Lowell.

Q. Please give me the names of some of them? A. I have cousins here. Mr. Knowlton is a cousin of mine — Mr. George Knowlton.

Q. What is his address? A. I don't know what his address is.

Q. You mean in Boston? A. No, sir; in Lowell. I have no relatives here in Boston.

Q. Have you any other relatives in Lowell? A. I have two cousins.

Q. What are their names? A. Mrs. Watson and Mrs. Knowlton.

Q. What part of the almshouse was it where you were kept — where you had your sleeping-room? A. It was in the top of the building in the workhouse.

Q. You left of your own accord? A. Yes, sir.

Q. Were you regularly discharged as a patient? A. Well, I don't know how that was; I suppose so.

Q. Do you recollect whether you made any application to the trustees to be discharged, or to the physician? A. No, I didn't to the physician. I went to Mr. Wrightington.

Q. You made application there to be discharged? A. Yes, sir.

Q. And then your discharge came? A. Yes, sir.

Q. Now, what was the ground on which you applied to be discharged? A. Why, that I didn't want to stay; that I didn't have enough to eat; that I had to work, and I were not able to work.

Q. Was that application in writing, do you recollect? A. I don't think it was.

Q. Was it by letter, or did you come to Boston and make

application, or did you see him at Tewksbury? A. I saw him there; yes, sir.

Q. You saw him there, and stated to him what you have now repeated? A. Yes, sir.

Q. Then you were subsequently discharged? A. Yes, sir.

Q. What did you have to do? A. I had to work in the sewing-room.

Q. Were others at work in the same place? A. Yes, sir.

Q. How many? A. Well, there might have been a dozen.

Q. You cannot tell just how many? What are you doing now? A. I am doing housework.

Q. Where? A. In Lowell — in Centralville.

Q. Give the name and address of the person by whom you are employed? A. Mr. Frank Chase, 59 Reed Street, Lowell.

Q. What have you done besides that since you left Tewksbury; anything? A. No, sir.

Q. Well, now, I would like you to tell me, aside from the advice of your friends, why it was that you went to Tewksbury. Were you entirely without means? A. Yes, sir.

Q. Didn't your husband furnish you with any means? A. He has not; no, sir; since I came home.

Q. Was he out of employment? A. I think he has been part of the time.

Q. You know that you don't receive any money from him? A. Yes, sir.

Q. Is your child living? A. Yes, sir.

Q. (By Gov. Butler.) Where was it born? A. It was born in Lowell, at Mr. Howard's.

Q. How long after you left Tewksbury? A. Three weeks.

Otto Halden (*sworn*).

Direct examination by Gov. Butler.

Q. What is your age, Mr. Halden? A. Fifty-one.

Q. Where do you reside now? A. In the Carney Hospital, Boston.

Q. When, if ever, did you go to Tewksbury? A. The 14th of December, 1876, the first time.

Q. Have you been there more than once? A. Been there twice.

Q. What caused you to go there then? A. I was in the hospital.

Q. You were sick? A. Yes, sir.

Q. How long did you stay there that time? A. I stayed in the hospital till 1878, April, I think, and then I went over to the bakery.

Q. Were you a baker? A. Yes, sir.

Q. What was the matter with you when you went there? A. It was rheumatism; I am subject to rheumatism.

Q. Had you any family then? A. No, sir.

Q. Have you any now? A. No, sir.

Q. Rheumatism so you could not work at your trade? A. Yes, sir; I gave up altogether; I can't do anything at all.

Q. While you where there did you see any of the bathing that went on in the hospital? A. Yes, sir; I did.

Q. What did they bathe in? A. Bathed in a common bath-tub, I suppose.

Q. Let us have that described a little. Would it hold more than one person at a time? A. No, sir; only one.

Q. How many persons were bathed in it without changing the water? A. Four, and sometimes five.

Q. Four, and sometimes five? A. Yes, sir.

Q. Were you bathed in it? A. Yes, sir; I was put into it many times.

Q. Were those who were bathed in it bathed regardless of disease? A. No, sir; no regard to any disease; no matter whether it was venereal sickness, they go into it, any how.

Q. That is, if a person had running sores, he bathed in it? A. And I had to go in after him, still.

Q. Any old men bathe in it? A. Oh, yes, sir; old and young together, all bathed in it the same.

Q. After men had bathed in it, would there be excrement in it? A. Yes, sir; after four had been in the bath; usually they changed water then.

Q. At the time when some old men had gone in there, had they left excrement in the water? A. Yes; sometimes they did.

Q. Did anybody go in after that? A. Well, I think so.

Q. Any doubt in your mind about it, that they went in while there was excrement in the water. A. Well, they put them in there; the inmates always had to bathe them, and there was nobody particular; they would take an old man and put him into it.

Q. They were all hospital patients that bathed in this tub? A. Yes, sir; all hospital patients.

Q. Did any of them refuse to go in? A. Yes, sir; I refused once myself, the first I came there; and the officer, I think it was Mr. Rollins, told them to strip my clothes off and put me in; and so they did, and I went in. After that I never refused; of course there was no use for me. I went in.

Q. Whether anybody had been in the water before your turn came, when you refused? A. Oh, yes, sir; there were three before me. Then I was very crippled. The first man that came in, whoever he was, had his turn, but I was a cripple, and I could not get around; I must be the last one.

Q. Did they strip your clothes off and put you in? A. Yes, sir. There was always inmates that had to do that; they told inmates to take my clothes off.

Q. Were others stripped and put in the same way as you? A. Yes, there was, many of them.

Q. How long did that state of things continue in bathing while you were there the first time, — that is, did they bathe in the same way as long as you stayed there the first time? A. Yes, sir; they did.

Q. Perhaps they alleviated this a little! Did you have towels to rub down with and wipe you after you came out? A. Well, I had to take my own shirt to wipe me, what I had on.

Q. Anything else? A. And sometimes they would throw my own shirt away, and I would have to take other man's shirt to wipe me with.

Q. Where were you sent from there? A. I was sent from there to the bakery.

Q. After you got so as to work you were sent to the bakery; how long did you work in the bakery? A. I worked in the bakery from 1878, April, I think, to 1879; in May I left there; nearly thirteen months.

Q. Thirteen months? A. Yes; the first time.

Q. Where did you go then? A. I left; I was well then, and I left and went out, and was out in 1879; in 1880, I catched the rheumatism again, and came into the almshouse again. I had no means to take care of myself, and I had to go in there again.

Q. What time in 1879? A. It was in May; and then I got well soon again in there that time, — I had only my ankles and my knees that time, and so I got well; and I was in the bakery again. I stayed in the bakery that time from 1880 to 1881; in May I left there.

Q. Did you go into the hospital the last time you were there; the second time? A. Yes, sir; I was in the hospital a few weeks.

Q. How long were you in the hospital? A. I can't tell how many weeks. Captain Marsh came to me, and told me he wanted me badly in the bakery; and I told him I was willing to go, so soon as I was able to do it; and I went in there and went to work.

Q. You worked the rest of the time in the bakery? A. I worked the rest of the time in the bakery.

Q. As long as you stayed? A. Yes, sir.

Q. And you came out, you told us, in May, 1881? A. Yes, sir.

Q. Did you go back there again? A. No, sir; I was only there twice.

Q. You say you were some weeks in the hospital? A. Yes, sir.

Q. Two, three, or four? A. Two or three weeks, I think it was. I got better, and after I got better, — my rheumatism changed in the summer time, and I got better, — and as soon as I was able to do any work I went into the bakery.

Q. When you came out from there the last time, where did you go then? A. Well, Governor, I tell you how it was. I hated to take my own liberty, but I went off the last time because I was talking with Mr. Wrightington three times about leaving me out. But Charley Marsh came in and told Mr. Wrightington that I was a very good man, and I behaved me very well in there, and Mr. Wrightington, he says, you will have nothing better to do. After that I went over to Capt. Marsh and asked him three or four times to let me out, but he say he want me badly, and won't let me go out. So I said I don't know as I will stay here my lifetime; I am able to work with my own hand. So he wouldn't let me go, and I take my own liberty and went out.

Q. Then, you left? A. Yes, sir.

Q. Without any leave? A. Without any leave.

Q. Now, during this time when the rheumatism is off, you can do good work as a baker? A. Yes, sir, they always like me in the bakery; I do my work very well, whatever they tell me.

Q. They said they would not let you go because you were too good a hand in the bakery? A. Yes, sir; that is all.

Q. And you did a full day's work in the bakery, I suppose? A. Yes, sir; I did.

Q. After you came out where did you go to? A. I went down to Boston here, and went to work in Smith's iron shop.

Q. When did you go into Carney Hospital? A. I went in last June, the eleventh of last June; I have been there eight months in Carney Hospital.

Q. Do you work there now? A. No, sir; I can't work, because I am too weak; can hardly walk.

Cross-examination by Mr. Brown.

Q. So that in all you have been to Tewksbury three times? A. Twice.

Q. I didn't understand the date of your first entry at Tewksbury. A. 1876, the fourteenth of December.

Q. And then you were out how long? A. I was out the year 1879; I went out in May.

Q. In May, 1879? A. Yes, sir. Went in May, 1879, and went out in 1881, on my own liberty, as I say.

Q. Isn't this your condition, that when you are out, if you suffer from any exposure or anything of that kind, you have a recurrence of your old complaint, the rheumatism? A. The rheumatism; yes, sir.

Q. You didn't have any recurrence of the rheumatism while you were at Tewksbury, did you? A. Yes, sir.

Q. I know you had it all the time you were there, more or less, but you had no severe recurrence such as threw you back into the hospital when you once got out? A. No, I was not.

Q. Wasn't it said to you that you would be better off to stay there than you would be to go out? A. Yes, sir; I think Captain Marsh told me so; yes, sir.

Q. That it was better for your health to stay at Tewksbury? A. Yes, sir; Captain Marsh told me to stay because I could not earn a dollar. I told him I knew I could when I was able to work. I can earn a dollar because I am a good workman.

Q. You are always subject to the possibility of having a severe attack? A. I am subjected to the rheumatism, that is the worst of it.

Q. Now, when you went there you say Mr. Rollins had charge of this bathing apparatus? A. He had, sir.

Q. And only four men allowed to bathe in the same water? A. Four men, yes, sir; sometimes when there were a little

over, they would put in five; you stand there and they would put you in. Four men was always called; always four men was mentioned up to go into the bath.

Q. How large was this bath-tub? A. A common bath-tub like we have in a bathing-room, that only one person can get into.

Q. Faucets, hot and cold water? A. Hot and cold water, yes, sir; you could get it as you pleased.

Q. Have more water or less water, just as you saw fit? A. Yes, just as you saw fit.

Q. If you were in bathing you could open the faucet and turn on the water if you wanted to? A. Yes.

Q. Never was any objection to that? A. They would let me do it; sometimes they would object; they would object to my putting more water in.

Q. (By Mr. Mellen.) They objected to your putting more water in? A. Yes, sir.

Q. (By Mr. Brown.) Now, with regard to your clothes, you say they took your clothes away from you when you were bathing? A. Took my clothes off me and put me into it. I hadn't the right to complain because I had to go; I was no more than any other man, so I had to do it, and I think it was full as well I did; but when I first came in I didn't know about the rule, and I thought it was wrong to put me in that dirty water.

Q. You frequently saw the physician, I suppose? A. The physician came in there; yes, sir.

Q. Do you know whether or not this bathing was under his direction? A. Well, the physician, Dr. Lathrop, was nearly all day there. He was going around the ward, so certainly he knew it.

Q. Don't you know the suggestion of the bath came from the physician, and that Mr. Rollins merely had charge of the bathing itself? A. No, sir; I don't know about that; that rule was there when I came there about the bathing. There was Mr. French, — I think he was the head nurse then, — and he had to make out a kind of a list of the names; and then he called four men, and the four men had to go in and bathe; when the four men were through there, four other ones would go in.

CHARLES B. MARSH (*recalled*).

Direct examination by Gov. Butler.

Q. How long have you been at Tewksbury? A. Since 1869.

Q. How long has your father been there, to your knowledge? A. He went there in 1858, may be in June.

Q. You were quite a young man then, I suppose? A. I am forty-three years old.

Q. Did you go with him when he went there? A. I did not, sir.

Q. Have you kept the books ever since? A. I have since 1869; yes, sir.

Q. Anybody else have anything to do with them? A. Occasionally, when there is an inmate there who is a good penman, I let him assist me in copying bills on to the books.

Q. Do any other copying? A. Occasionally he would help me to make out the weekly statement; simply a copy.

Q. Copying on to papers, but none on to the books? A. None on the books; no, sir.

Q. Did you keep two sets of books? A. No, sir; only one.

Q. That is, if you had a journal it would be a journal for the time at which it purports to be, I suppose? A. Undoubtedly.

Q. If you had a register, it would be a register at the time it purports to be? A. Yes, sir.

Q. And if you had a cash-book, it would be a cash-book for the time it purports to be? A. The transactions of the time.

Q. Have you delivered all the books at my office that you have kept there? A. I have, sir.

Q. Are they all the books of daily entries of transactions? A. They are, sir.

Q. Have the entries been made in these books, day by day, as the business went on? A. Well, no, sir; not in the inmates' register. Sometimes I am busy with other things, and do not put the names on the day they come, but always the day of the permit; that is, what would come in to-day would go in under this date, but I might not make the entry till to-morrow.

Q. Would there be an entry in the journal that day? A. The week's work is always done within the week.

Q. Within the week? A. Yes, sir.

Q. That is, there is no entry in these books you handed me which was made more than a week after the transaction? A. I should not say there was.

Q. Don't you know whether there was or not? A. No, sir; I don't know; because my work at different times of the month is crowded.

Q. I will take it a month. A. No, sir.

Q. Was it all done within a month? A. I should say it was.

Q. Was it, or not? A. I don't know what particular book you refer to, sir.

Q. I know you don't. A. If you will specify any one book I will answer your question.

Q. Pardon me; is there any book in which the entries were not made till a month after the transaction? A. No original entry; no, sir.

Q. Is there any book I have that is not a book of original entry? A. No, sir; I don't think you have one.

Q. Don't you know whether I have or not? A. They are all the books that I have.

Q. What I want to get at is, — and I want your attention exactly to it, — whether in the books that I have the entries were made from day to as the transactions went on? A. That is the way they were made, sir.

Q. And the books are kept on your shelf, kept on your desk? A. They are kept in the safe.

Q. Kept in the safe! But not when you are using them? A. No, sir; when I am using them they are on the table.

Q. On the table or desk; and the work would go on in this way: You had your journal to keep up, and you would take it and put in it entries; here would be an act to be journalized, and you would sit down and put it down; then there would be another act to be journalized, and you would put that down; and so on, from day to day? A. I would journalize my books for the month.

Q. What? A. I would journalize my books for the month; it would take me about one day to journalize the book, whatever day in the month I chose to do it.

Q. Journalize the books for the month? A. Yes, sir.

Q. Journal means daily transactions. A. I don't know as you understand what I do by journal. I call my record of bills

my bill-book; the journal is the copy of the bill-book on to another book.

Q. Have I the bill-books? A. You have, sir; I call it the invoice book.

Q. Now, then, would you enter these all at the end of the month on your journal? A. It might not be the end of the month; any time in the month I could get.

Q. Any time within a month? A. Yes, sir.

Q. Did you have any daily registry of transactions except the registry — I am now speaking of business transactions, — other than the registry, had you any book of daily entry of business transactions? A. Nothing more than the inmates' journal, — the inmates' registry.

Q. Leave out the registry; anything more? A. That I used to calculate to keep up every day as they come and go.

Q. Now, how often did you post from your journal into your ledger? A. Just as I got occasion, got relief from my other work.

Q. Daily or weekly, as the case might be? A. As the case might be; yes, sir. Sometimes I would take a day and post my books.

Q. And that has been your continual practice? A. Yes, sir.

Q. Your books would be taken from the safe and put on to a table for that work, and then, when you got through that work, you would take them back and put them into the safe? A. I would, sir.

Q. Did you keep covers on your books? A. I think I have two books that are covered, my bill-books, my registers, — some I cover and some I don't.

Q. The bill-book, the invoice book, you had covered, and the registers, — are there covers on them now? A. My last register has a cover on. Oftentimes, when I would get through a book, I would take the cover off. It was simply to keep the book clean.

Q. That state of things refers to the invoice book and the registry? A. The other books may have had covers on; I could not state as to that.

Q. Do you think they had, or hadn't? A. I should say the majority of my books had no covers on.

Q. Do you remember any other book but the bill-book and the registry book that had covers on? A. I don't think, since

I have kept the books. I ever covered any invoice-books before the one in use there was covered; I don't think I have ever covered any invoice-books. The only ones I cover are the heavy books, which are likely to be worn by rubbing on the table.

Q. What book is that? A. That is the inmates' registry. The one I am using now is covered with a white cover, a piece of duck.

Q. Has any book been copied lately? A. No, sir; there is no copying done except to copy bills into the bill-book. I have not copied any books at all.

Q. Has anybody else, to your knowledge? A. No, sir; no one ever touches my books but myself, except as I tell you, once in a while I will let some inmate, who is a good penman, copy the bills into the bill-book. My books are kept by myself and no one else.

Q. None of these books that I have are copies of any other book? A. No, sir.

Q. Now, sir, have you any registry of burials? A. I have not?

Q. Has there ever been kept any registry of burials there? A. I never saw one.

Q. Is there any account whatever, so that anybody can ascertain how many people have been buried? A. They can't ascertain from me; I don't know of any such account.

Q. Is there anything in the institution from which anybody can find that out? A. I don't think there is; I know I can't find that out.

Q. And you don't know of any other officer whose duty it is to keep such a book? A. No, sir; I know there is no such book kept in the institution.

Q. Have you any account kept with the expenses of burials? A. No, sir; I have not.

Q. Do you know anything about any expense of burials? A. Nothing more than the price paid for coffin lumber; that is charged on my bill-book.

Q. Is there any way of telling how many people, since 1869, have been, or have not been, buried at Tewksbury? A. Nothing from my books would indicate it.

Q. Is there any account with the inmates of clothing on your books? A. You mean clothing that is worn there by inmates?

Q. No; yes, I will take that first. A. There is nothing on my book.

Q. Who keeps that book? A. In the baggage-room, on the men's side of the house, and on the women's side, they have books; sometimes, I don't know but they always, put down what an inmate wears in. I know they used to do that on the men's side. Whether they do now or not I could not say.

Q. Have you ever seen that book? A. I have, sir; I think I furnished the book to the man who has charge of the baggage-room.

Q. Do you settle the accounts of the institution, settle the accounts, I mean, as a book-keeper would?

Mr. Brown. Trial balance?

Gov. Butler. No, I mean balance the accounts.

The Witness. I do, sir; I balance the accounts.

Q. Has there ever been any settlement of the inmates' account, — the clothes brought there? A. I don't understand your question.

Q. Well, an inmate comes there with a given number of clothes, more or less, — is there anything that you ever had anything to do with — A. That is no part of my business.

Q. If you will wait for the question, you will have enough, I have no doubt, so you need not hurry. Is there anything that you know of, any book under your charge, to show how much is brought and how much taken away? A. By the inmates?

Q. Yes. A. No, sir.

Mr. Brown. That is, General, you mean of their own clothing?

Gov. Butler. Of their own clothing: I am going to come to something else.

Q. Is there any account of anything that inmates bring there and take away? A. Yes, sir; when they come in I ask them at the gate-house, — I see all the inmates that come, as a general thing, — and I ask them at the gate-house if they have any money about them. If they have, I tell them the thing to do is to leave it in my charge till they go out. That is put on a little book, a memorandum-book, and when they go out, whatever they have is given to them.

Q. Put on a memorandum-book? Is that book sent to my office? A. I don't think it is, sir.

Q. Why not? A. Because the inmates are coming and going all the time, and that is the only record I have of the money.

Q. It is easy enough to put it on another book. A. I will copy it off, if you wish a copy.

Q. That is the last thing I want — a copy, sir. You could put the entries on another book while I was using that, could you not? A. Yes, sir; I can do that.

Q. Why is that kept on a little book? A. Well, it is not particularly small; it is a convenient size for me.

Q. Pardon me; I used your expression, sir — a little memorandum. A. It is what you would call a quarto book.

Q. A quarto book? A. It has been kept on different size books at different times.

Q. Why isn't that account kept like the other accounts of the institution? A. I have no special reason.

Q. Has that book ever been exhibited to anybody by you, and if so, to whom? A. Yes, sir; it has been exhibited to Mr. Sanborn; he looked it over thoroughly.

Q. Who? A. Mr. Sanborn, Frank Sanborn.

Q. He called for it? A. Yes, sir.

Q. Do you take any receipts from the inmates when they go out? A. I do not, because generally, when I pay them the money, I pay it to the officer who goes in charge of them.

Q. Did you take any receipt from the officer? A. No, sir, I did not; I put his name down on the book, paid to such an officer.

Q. Well, do they generally go out under charge of an officer? A. I should say now that was the rule.

Q. I don't ask what it is now; have they in the past, — what proportion will you swear have gone out under the charge of an officer? A. I could not say anything about the proportion. A great many go out with an officer and a great many without.

Q. One half go with — not now, but since 1869? A. I could not state what proportion.

Q. Will you swear that one third have gone out with an officer? A. I would not swear anything about any proportion, for I don't know.

Q. Will you swear one in ten has gone out? A. No, sir; I would not swear at all.

Q. Will you tell me that one in a hundred has gone out under charge of an officer? A. I told you to start with that I

know nothing about any proportion; I never made any account of it. I know Mr. Wrightington comes up there and makes out a list of people who are going out the next day, and he will leave anywhere from thirty to forty, and those go out. Sometimes those who are going to Boston go without an officer; those who are going to different places, an officer goes with them and takes them around to different stations where they are going.

Q. Now, sir, have you a single receipt, from any inmate, of moneys that you have received from them, or from a single officer, since 1869? A. No, sir; I am not in the habit of taking receipts.

Q. Your habits I am not inquiring into. A. No, sir, I have no receipts.

Q. You have not a single receipt? A. No, sir.

Q. Has anybody ever settled the account? A. How do you mean settled the account?

Q. Why, generally when people keep accounts in public institutions, somebody settles the account — examines it and settles it; has that account ever been settled? A. The day they go out it is marked against the inmate's name: I put down the registry number so as to identify the inmate, the name and the amount of money.

Q. What is on the books will show; I am asking if that account has ever been audited and settled by anybody, and if so, by whom? A. Only by me.

Gov. Butler. The man who receives the money and pays it out settles the account himself.

Q. Very well; why, when all the books were called for — and this is not a little book now, it is a quarto — why, when all the books were called for, and you have testified here that the books have been brought, why did you keep that book back? A. It is the only memorandum I have of money belonging to the people who are discharged.

Q. Very well; now how many different books have there been since 1869? A. That one goes back, I know, to 1871.

Q. How many were there before that? A. I cannot tell you; it would be all guess work if I should attempt to state.

Q. Three or four? A. I don't know, sir.

Q. You don't know? A. No.

Q. When have you seen those other books prior to 1871, to take notice of them? A. I know they have not been in

use, because when this one was in use all that was on that was brought forward and put on this one.

Q. Now, why couldn't you have brought the other original books if they haven't been in use since 1871? A. I had no special reason for not bringing them, sir; they were memorandum books; that is all.

Q. Memorandum books! But it is a cash account between you and certain people. A. I don't know that the books are in existence. I have not seen them for some time.

Q. You don't know that they are in existence! Do you remember of destroying them? A. No, sir; I don't.

Q. Do you remember that anybody has plundered your safe of them? A. No sir; I don't.

Q. They are the only vouchers you have, aren't they? A. Yes, sir. I don't think the books are destroyed, but I have not seen them.

Q. Then the reason that you want to use them right off was not the reason you didn't bring them? A. These books I didn't think were of any account. I didn't think you would want them.

Q. Pardon me; were you directed to bring only the books you thought of account, or all of them? A. I didn't consider these any part of my regular set of books.

Q. Now, then, you have shown how the inmates got their money: is there any book to show what property they bring there? A. Nothing that I have anything to do with.

Q. Sure about that? Think, now. A. I know I have nothing to do with any of the inmates' clothing or any property they have.

Q. Let us see: haven't inmates come there with watches in their pockets? A. Oh, yes, sir; that is put on my cash-book.

Q. That is property, isn't it? A. Yes, sir.

Q. Precisely so. Now, then, I told you to be careful; any other property? A. I am trying to be.

Q. Any other property? A. If they have a bank-book, that is put on to my cash-book.

Q. Bank-book? A. That is, I enter, as I have told you, the registry numbers, the name and the amount of money; and then, between the amount of money and the name, I would say "bank-book," if there is one.

Q. Have you collected any of these bank-books? A. Never, sir.

Q. Who does? A. I don't know that any ever have been collected.

Q. Any money collected on them? A. Not by me, ever.

Q. Anybody, to your knowledge? A. Never; I have occasionally given these books to Mr. Wrightington when he has called for them.

Q. Got his receipt for them? A. Yes, sir.

Q. What? A. I have.

Q. You have occasionally given them to Mr. Wrightington when he called for them? A. Yes, sir.

Q. And were these the books of live or dead inmates? A. Generally dead ones.

Q. And you have got his receipt? A. I have, for some; yes, sir.

Q. For some? Have you got them for all? A. I don't think I have. I think I have given him books where I have not taken his receipt.

Q. How soon did you begin to give books belonging to inmates, and their heirs or administrators, to Mr. Wrightington? A. I cannot give you the date of any receipt.

Q. Tell me how soon you remember. How early is the earliest time you have given any of those bank-books belonging to the inmates, their heirs or administrators, to Mr. Wrightington? A. I could not tell you the date; it would be guess work if I should attempt to give you the year. I cannot give you the year; I don't know.

Q. Give me some year. A. I can show you the receipt: that is the best I can do.

Q. For some of them you got no receipt? A. No, sir.

Q. Therefore I go to your memory, you see. Now, give me the earliest date you can swear to when you gave any one of those books to Mr. Wrightington. "I know I gave him one before such a date." I don't care whether that date is yesterday or any other date: only fix it? A. Well, I know it was not a great while ago I gave him one of an insane woman who was discharged.

Q. That is not the one I am asking for. I am asking for the first one you can recollect — unless this is the first one. A. No, sir; that is not the first one.

Q. Very well; now give me the first one. A. I cannot do it, because I do not remember the date. The best I can do is to show you his receipt.

Q. Ah, but I want to get at those where you haven't got his receipt. A. I don't know how you are going to do it.

Gov. Butler. I don't know how I am. But I am going to exhaust your memory.

The Witness. Well, you have about done it.

Q. Well, I will see how that may be. Will you swear you gave one before the first day of January, 1883? A. Yes, sir.

Q. Very well. Now, before the first day of July, 1882? A. I should think it was highly probable that I did, but I could not swear.

Q. Highly probable? A. Yes, sir.

Q. Well, we have got high probability in July, 1882. How is it on January 1, 1882? Did you give one before that, if you remember? A. I should say I did.

Q. Will you say that you remember. A. No, sir; I won't say I remember.

Q. I want something you remember. A. You are asking things I don't remember.

Q. I am asking your memory. Will you swear you gave him one before January 1, 1882? A. I remember at various times he has asked me if I would give him such an inmate's book.

Q. I have not asked you what he said. I ask you to answer my question. A. I will, if I can.

Q. I ask you if you will testify on your oath to this committee that you remember having given him one before January 1st, 1882. If you do, say so; if you do not, say so. A. I don't remember; no, sir.

Q. Don't remember that you have. Have you got a receipt from him earlier than January, 1882? A. I have.

Q. For these books? A. Yes, sir.

Q. You have? Then you remember that you have given him one prior to January, 1882, if you have a receipt? A. I know this receipt has been on file, but I could not say whether he gave it to me, or whether it was given me by the clerk before I went there; but the receipt is on file.

Q. Given by the clerk before you were there; and you went there in 1869? A. Yes, sir.

Q. Well, there is some little intervening time; that would justify us, almost, in going back to 1869. Well, who was the clerk before you? A. Mr. Moulton.

Q. Who is he? A. Henry J. Moulton of Lowell.

Q. Editor of the "Citizen?" A. He is connected with the "Citizen;" I don't know in just what capacity.

Q. He is connected with the newspaper? A. Yes, sir.

Q. How many years was he there? A. I think he went there in 1864 and left in 1869.

Q. Who was clerk before that? A. I think my brother was.

Q. Which one? A. My brother Thomas J., Jr.

Q. Who before that? A. I don't know as he was the one who immediately preceded Mr. Moulton; I think he was, however.

Q. Who before that? A. I don't remember.

Q. Now, is there any book, to your knowledge, among the books, showing the disposition of dead bodies? A. I don't know of any such book. It is no part of my business; I have never had anything to do with it.

Q. That is a good reason, probably, why you don't have one; but do you know of any memorandum kept, or of any account kept, which will show whether a man has been cut up or buried? A. I know I never have kept any such book.

Q. Pardon me, but have you ever seen any? A. I have not.

Q. You have not. Have you ever had any knowledge of one? A. I have supposed there was one.

Q. I didn't ask your supposition, sir; but have you any knowledge of one? A. I didn't know there was any book, but I supposed there was something; I knew there was something.

Q. How did you know it? A. Well, occasionally when friends have been there for remains I would go to my brother and say: Can they have such remains? He would say yes, or no, just as it was possible or not.

Q. Well, that time would be, as a rule, when the dead body was there? A. Yes, sir.

Q. Awaiting interment? A. Yes, sir.

Q. Well, then, there would not be any book wanted for that purpose when the body was in the dead-house? A. No, sir. When it was in the dead-house I knew as well as he did. That is, I might find out from the undertaker.

Q. Is there any entry on your books of any money paid to Thomas J. Hall? A. Nothing more than for services.

Mr. BROWN. He was the farmer. You mean the man who testified here?

Gov. BUTLER. Yes, sir.

The WITNESS. Nothing more than for services.

Q. Well, was there more than one Hall there? A. No, sir.

Q. (By Mr. BROWN.) You mean for services rendered on the farm? A. Services rendered as a farm laborer.

Q. (By Gov. BUTLER.) Is there any receipt on file from him for forty-six dollars? A. None on any file that I have.

Q. Or any one that you know of? A. I have seen a receipt of his for forty-six dollars.

Q. Since this investigation began? A. Yes, sir.

Q. But you have not seen one before? A. I don't know whether I saw that one before I came here, or not.

Q. Well, did you see it at the time it was given? A. I could not say that I did; I might have been there.

Q. I know you might have, but have you any recollection? A. No, sir; I do not recollect it.

Q. You paid Mr. Thomas J. Hall? Your books show, I suppose, that you paid him for his services regularly, and took a receipt when he went away? A. He signed the pay-roll, or signed whatever was presented at the time.

Q. So far as you know, he was paid for all the services he did? A. I know he was paid for services on the farm; that is all I know anything about.

Q. He was not at work on the farm, was he? A. He was teamster, and drove the team. We call them all farmers, but we specified him as teamster.

Q. For his services to the State as a teamster, he received his full pay from you? A. I don't think he received it from me. I don't think I paid it. He received it in the office.

Q. Who is the cashier? A. My brother generally pays the help.

Q. He received it from somebody? A. Yes, sir.

Q. And all those receipts were taken and put into a book, regularly? How do you do it in that institution? Do you hire men to work for the State for a certain price, and then employ them about other work? A. I do not employ the men, sir, so I cannot tell.

Q. Don't you know anything about it? A. I know when a man is hired to work on the farm, he is expected to work on the

farm; and I think the by-laws say, that any person employed there shall do anything that he is called upon to do.

Q. Do your by-laws say they shall be paid extra? A. I don't think the by-laws say anything about that.

Q. Then he is to do what he is paid to do, and his time is to be given to the State, is it not, for certain pay? A. Well, we hire the men by the month.

Q. Then his time belongs to the State who hires him?

Mr. Brown. I submit that this witness is no more competent to answer that than he is to say whether the time of the Governor should be given entirely to the Commonwealth.

Gov. Butler. Having got in that little fling, I will repeat my question.

Q. Do you know, or not, having been there since 1869, and having opportunity to know, whether, when a man is hired on that farm, or in that institution, and a sum is agreed upon to be paid, that he is paid for the whole of his time? A. No, sir; I should not consider that he was. I should say that a man who worked on the farm was hired to work the ordinary hours of farm labor.

Q. Then you think he has a right to use the other time and to be paid for it? A. I don't know why he should not.

Q. Do you know of men being so employed? Sometimes working for the State, and sometimes for Mr. Manning, for instance? A. I do not, sir.

Q. Do you know any instance where a man was so employed? A. I do not.

Q. That worked for anybody else? A. I do not.

Q. You do not. Ever hear of any? A. I never did.

Q. Now I want to look up your family a little, those employed there. Who have been employed there at various times, of your family? Your father and mother, the superintendent and matron? A. Yes, sir.

Q. That is two. But I ought to ask you: Your father has the employment of all the officers of the institution? A. Yes, sir; I think he has, of all except the physician.

Q. Except who? A. The physician is appointed or elected by the trustees.

Q. All except the physician. Then will you give me now an account of all your brothers? A. Well, I don't know as I am expected to of all my brothers.

Q. Of all your brothers? A. Some of them never have been there.

Q. Pardon me, I want to know them all, and I don't care to tell you the reason why. I think perhaps some of them are as costly away as they would have been there. Take them in the order of the eldest or oldest. A. What do you mean by the question, sir?

Q. Give me the names of your brothers? A. Oh, I have no objection to giving you the names of my brothers; I have never been ashamed of them. My oldest brother is Thomas J., Jr.; my next brother is dead; his name was Adoniram Judson, and he died a few months ago. I am the next of the boys, and there is a younger brother, William A.; my name is Charles B.

Q. Now then, your father is employed there, and Thomas J. Jr., is employed there? A. Yes, sir.

Q. And you have been employed there? A. Yes, sir.

Q. Have either of your other brothers been employed there? A. At one time my youngest brother William was employed there.

Q. Was A. J. ever employed there? A. Never, sir.

Q. Now, was your brother's wife employed there, — Thomas J.'s wife? A. Yes, sir.

Q. How long? A. I could not tell you, sir.

Q. About how many years? A. I don't know. It is on my books, and the record will show. I have been in the habit of dealing with records, and I don't trust to memory about these things; I cannot tell you.

Q. Well, she was employed some years? A. Yes, sir.

Q. She is there now? A. She is not employed there, but she has the oversight of the sewing-room. She receives no compensation, but she gets her living there.

Q. Did she ever receive any compensation? A. Yes, sir.

Q. When did it stop? A. That is a matter of record; I cannot tell.

Q. Can you tell within a year? A. No, sir; I cannot remember.

Q. Within three months? A. No; she has not had any pay for three months and more.

Q. How long? More than a year? A. Yes, sir; more than a year.

Q. Is your mother still employed there? A. She is not.

Q. When did her pay cease as matron? A. Last December, I think, was the last payment.

Q. That is, for the month of December? A. Yes, sir.

Q. She resigned then, probably. About what is her age, please? A. Seventy-eight, I think. I am a poor hand to remember.

Q. Can't you tell your mother's age within two years? A. I have told you; seventy-eight, I think.

Q. Do you say she is not eighty? A. I know she is not eighty.

Q. In her eightieth year? A. I know she is not in her eightieth year.

Q. Is she older or younger than your father? A. She is a little older.

Q. Now, then, was your brother — your wife was employed there? A. Never.

Q. Never was? A. She has nothing to do with the institution whatever, and lives outside of it.

Q. Draw your supplies from there? A. No, sir. I pay my own bills, have my own butcher, my own grocer, and pay my house rent.

Q. Any allowance for that? A. I get one thousand dollars a year.

Q. Anything else? A. Nothing. Well, I take my breakfast at home, and my meals Sundays at home; my dinner and supper I take at the institution. My wife is in her own home.

Q. Did William have a wife? A. Never. Not that I know anything about. I have not seen him for several years.

Q. Where does he live? A. He lives out in Minnesota.

Q. Now, then, about how many sisters have you? A. I have had four.

Q. How many have you now? A. I have three.

Q. Give me their names, please? A. The eldest is Mrs. Davis, who lives in Reading.

Q. Lives where? A. In Reading.

Q. Did she ever live in Exeter? A. Yes, sir.

Q. How old is she? A. She is the oldest of the family.

Q. Has she ever been employed there? A. Never.

Q. She was married how long ago? A. I do not remember.

Q. She has children? A. She has.

Q. Boys? A. She has no boy, and never had one.

Q. How many girls? A. Two.

Q. They are women grown, I suppose? A. One is married.

Q. To whom? A. To Dr. Putney of Reading — George E. Putney of Reading.

Q. Now, then, you have another sister, married to Mr. Atwood? A. I have, and she lives in Exeter.

Q. When did Mrs. Davis move from Exeter? A. I should say about 1879, it might have been before; I could not tell.

Q. Did Dr. Putney ever work at the institution? A. He did.

Q. Did your sister, whom he married, work there? A. He didn't marry my sister; he married my neice.

Q. Did she work there? A. Never.

Q. When did he leave the institution and go to Reading? A. That my books will show; I do not remember.

Q. Now, your sister Helen, was she employed there? A. She was.

Q. She was a doctor? What other sisters did you have employed there? A. I have no other.

Q. What other relatives have you employed there? A. I had one time an aunt.

Q. An aunt employed there. What was she? A. She was a cook in the superintendent's part of the house.

Q. A cook. I suppose in the officers department? A. A cook. That is all, sir.

Q. Did you, of your own knowledge, know that bodies were being sent away from Tewksbury? A. I have known it recently.

Q. How recently? A. Well, I had been there several years before I ever knew anything about it. Of my own knowledge I don't know that one goes now, for I never saw one go.

Q. You don't know any more about it than Miss Manning? A. I don't know how much she knows about it. I am telling you what I know. I know I never saw one go.

Q. How early was it that you learned that some were going? A. Well, I hadn't been there as clerk a great many years before I found it out; I don't know as I had been there one year.

Q. Well, you said you didn't know it until recently? A. Well, I don't know now that they go; I know they say they go.

Q. Why did you use the word "recently" in regard to your

knowledge, when it goes away back to 1869? A. Because I have heard more about it recently than I ever did before.

Q. That was when, as you say, you found it out? A. Did I say I found it out?

Gov. Butler. The reporters will tell you.

The Witness Did I say so? I must have found it out by asking my brother if such remains had been removed, and he said they had been sent to the medical college. I might possibly have asked him. When they have pressed me for a reason, I would tell them the reason was that they had been sent.

Q. Did you go and ask your brother? A. I did.

Q. Now, sir, will you tell me if the deaths, — you kept the death register, did you? A. I did.

Q. Are all the deaths on that register? A. Every person who ever died in the institution is named on that register.

Q. Children and all? A. Children and all; foundlings and everything else.

Q. How did you manage to get the names? A. If they didn't have a name, I gave them one.

Q. You christened them? A. I would ask the person at the gate-house if they had any choice of names, and oftentimes they would name it. If they did not name them, I would have to have a name to put on my book, and I would name them myself, or ask anybody else to name them. I had to give them a name on my register.

Q. I suppose that same standing godfather way of naming children went on as to those that were born? A. No, sir; I had nothing to do with the naming of those.

Q. Well, did you always know the name of the children born? A. I did.

Q. Well, what name did you give them? A. I did not give them any name at all. I had nothing to do with the names of children born in the house. Their names were reported to me by the physician in charge.

Q. Did you have a Christian and a surname? A. Yes, sir; I did, always.

Q. Well, suppose a child died immediately after birth? A. A still-birth never was named. But any child that lived twenty-four hours had a name, which was reported to me by the physician who had charge of the case.

Q. And that was entered in your book? A. Still-births

were entered, but there is no name. Only the date and "still-birth."

Q. Well, now, is there any entry in your books in regard to the sales of property? A. There is in my cash-book.

Q. What? A. In my cash-book.

Q. Any other book? A. No, sir.

Q. Do you sell all the property? A. I don't sell anything.

Q. Where do you get the entry to put in your cash-book? A. They are given to me generally by the one who makes the sale.

Q. Who is that? A. I should say, generally, my brother.

Q. Now, then, of all the property sold on the farm there is no account kept, so far as you know? A. Yes, sir, there is always an account kept.

Q. Where is it? A. We do not sell many things on the farm; we have sold, of late years, some pork.

The CHAIRMAN. Can you tell us, Governor, how much more time you will want with this witness?

GOV. BUTLER. I will stop to inquire. I want to examine these books, and I suppose I can save more time than the committee would gain by sitting to-morrow, if I first have opportunity to make the examination. I really think I could save more time.

The CHAIRMAN. We, of course, shall not sit Saturday.

GOV. BUTLER. Yes. If you will adjourn until Monday, so as to give me time to have these books examined, I can save more time in examination, really, than you will gain by sitting to-morrow. Of course these books are very voluminous and very new; exceedingly well kept, — on the outside, — and it takes a good deal of time to go through them. And I want now, so that there may be no mistake, — and this is the fifth time I have made the request, — to ask that I shall have all the books of every description, kept by anybody, — man, woman or child, — in Tewksbury, handed to me for examination to-morrow morning, so that nobody shall come here and swear: "I have a book that has not come in." I do not care who keeps the books. I think the committee are entitled to them. Because, here are accounts of many hundreds, — I think many thousands of dollars, — which have not been seen and exhibited.

The CHAIRMAN. This hearing promises to be pretty lengthy, Governor; can you give us some idea of the number of witnesses you propose to call?

Gov. Butler. I don't think, sir, I shall have, — that depends upon the examination of the books.

Mr. Mellen. I move, Mr. Chairman, that His Excellency have the books that he petitions for.

Gov. Butler. I want every book. Not what these people will dole out to me by and by; but I want them to come here and tell me on Monday morning: Sir, you got every book Friday morning into your office, — memorandum, little book, big book, every thing of the book description, — pass-book, bank-book, check-book, — because how can you examine a set of books if you cannot have them all? For instance, how can I check an account without a check-book? Here is an institution without any check-book, so far as I can find. Now, how can I examine a bank-book without a check-book? I have been accustomed to have books examined with something of —

Mr. Mellen. Well, I move, Mr. Chairman, that His Excellency have all these books; or that the committee have them, and that they be put at his service, — all that he has mentioned.

Gov. Butler. And furnished to-morrow morning.

Mr. Mellen. They belong to the committee.

The Chairman. You hear the motion: that the committee require all the books belonging to the Tewksbury almshouse to be furnished to the Governor.

Mr. Brown. There is no necessity for taking any action. We have furnished everything we have had any notice upon, when we have been able to learn what was wanted; and we will furnish now every book that has been described.

Gov. Butler. I don't want that; you cannot play that thing on me the first time. I want all the books.

Mr. Brown. We have a letter dated April 4, which was not delivered to us until the 9th, notifying us that we had not produced certain books which had been in His Excellency's possession three days.

Mr. Mellen. I object to the counsel interfering at this time. This is our business. We are investigating this institution; and I protest against counsel standing at the door and telling us what we will have, and what we won't have, in connection with the State's institutions. We are to determine that. Now, we want all the books. We can tell ourselves, without counsel interjecting any such assertion as he has, that all the books have not been delivered up. One book, this gentleman just on the

stand has admitted that he has not sent into the possession of this committee. Now, it is but right that we should have it. It is but right to all concerned — to the committee, to the institution, and to the State. And it is well that it be understood that it is demanded of the managers of that institution that we want all these books; and I would have the motion put to the committee, so that there will be no misunderstanding about it.

Mr. Learnard. Before that motion is put, I move that if the counsel has anything that he desires to say, he be allowed to say it.

Mr. Mellen. I have no objection to his saying anything here, in particular.

Mr. Brown. I want simply to say, that so far as we have been able to understand what was wanted, we have produced it. We have produced books which actually crippled the management of this institution from the time they have been produced. And in order to show that we have not been guilty of laches, we have had books in the possession of His Excellency three days, and then have had notice that they had not been received. And there was a letter presented, dated April 4, and received on the 8th — received several days after the books had been delivered —

Mr. Mellen. Who is to decide about this matter, counsel or the committee?

Gov. Butler. To that I answer that on the 4th of April they had not come, and I wanted them for Friday and Saturday last —

Mr. Brown. Well then, may I ask why the letter was not delivered before the 8th of April?

Gov. Butler. Stop a moment; I am talking now, sir.

Mr. Brown. I see you are.

Gov. Butler. On the 4th of April they had not come, and I was afraid they would not come. I addressed a letter to the chairman on that day. The next day was Fast Day; the next day the Senate adjourned without a quorum, and the letter did not reach the chairman; and on Saturday the Senate did not sit, and the letter did not reach him.

The Chairman. The letter reached me Sunday noon, Governor.

Gov. Butler. It got to him as soon as we could find him. Now, when I first called for books, these books [showing certain

books] were produced, and these were all the books that were produced; and these were utterly useless.

The CHAIRMAN. Your Excellency's first call was for specific books, you will remember.

Gov. BUTLER. Yes, sir; but these do not answer the description of my call. Then I called for all the books, and insisted that I should have them. Then came a big box of books so heavy that it was supposed to be another box. Then I got the books, not for Saturday, not for Friday: but they were not produced here, as I was told, until Monday morning. I had to come directly here from my hotel Tuesday morning, and I did not know they had come, and again I called for them. I was then told that they had been produced on Monday. I have been examining them since, and I find now difficulty in making any examination, because the check books — that is, books by which I can check these accounts, are gone or are not there. And therefore I have been so particular to ask the committee so as not to have it said that all books specified have been brought. I now want the committee to send for all the books. Now this memorandum of accounts, as it is called, is a very material book; because I think there will be some evidence and some deductions from it. And until I examine these books, I cannot tell the committee what witnesses I shall have to call. If I get the information from the books, I shall not have to call the witnesses; if I do not, I shall have to call more witnesses. I will try to be able to tell —

Mr. WOLCOTT. I second Mr. Mellen's motion.

Mr. MELLEN. Now, Mr. Chairman, I wish to say a word to Mr. Brown, the counsel. I, as a member of the committee, protest against being obliged to give a description of the books we want. The Governor has called for all the books: and as he may remember, and as the clerk of the institution may remember, the clerk has said there is one book which has not been produced. Well, I want that book as one member of the committee, and I think the committee should want it; and not have counsel tell us we must describe every particular book. And I wish to state again that these books that he complains about the Governor's writing and saying he had not received them, they did not reach us until the morning of the 8th; and I believe the clerk testified that he put them into the expressman's hands that morning. If that is so, it seems to me that Mr. Brown has been talking at random. And again I wish, while I am talking

now, to say that I protest against another feature of this investigation; and that is the evident relish with which the counsel for the institution throws out insinuations, innuendoes and insults, in my opinion, against His Excellency the Governor.

Mr. Gilmore. I call for the question. I don't think it is worth while to spend time in arguing this matter.

Mr. Brown. Is there any objection to my saying a word?

The Chairman. I don't know that there is.

Mr. Brown. I simply state it again — and the gentleman from Worcester, if he is capable of understanding what I said, will recollect; if he is not, I will refer him to the stenographic report — that so far as we have been able to understand what was wanted we have produced it; and that I repeat. There is no disposition to hold back anything. His Excellency and every member of this committee would not only, had proper notice been given to this institution, had opportunity to see these books: but, as soon as we knew they wanted them, we have always been ready to produce them. We have only asked the indulgence of the committee that we should not be called upon to produce here, all the time and at one time, books without which we could not run the institution without their presence in Tewksbury. That is all. And any insinuation that I have undertaken to keep back anything, or to insult His Excellency, I fling back into the face of the man from whom it came.

Mr. Mellen. Notwithstanding the gentleman's remarks, I believe that he has. I believe his conduct has been unjustifiable towards His Excellency the Governor.

Mr. Brown. I have the same opinion in regard to your conduct.

Mr. Mellen. Well, sir, I deny you to prove it.

The Chairman. I think the parties appear here substantially equal before the committee, and they will be expected to conduct themselves with propriety.

[The question was taken on the motion of Mr. Mellen for the production of the books, and it was carried.]

The Chairman. And the trustees are instructed to take notice of the action of the committee.

Mr. Mellen. All the books, all the documents that the Governor has —

Gov. Butler. And I want the permits for burial, and all the bonds given.

Mr. Chamberlain. Before we adjourn, I would like to

ascertain from Mr. Brown, or the Governor, whether there is not other evidence that can be put in to-morrow, so that we can go along with the hearing.

Gov. Butler. I cannot profitably put in any evidence to-morrow. I want to superintend, from time to time, the work of examination, when my experts find things that they will come to me about and say, what do you want in this line, or what do you want in that line, and consult me from time to time, as they will. I can be here to-morrow, but I do not think I can profitably employ the time.

Mr. Mellen. Then, Mr. Chairman, I should not crowd His Excellency. The committee will bear in mind this fact: that His Excellency the Governor is performing a duty that this committee should perform, — looking up testimony relative to the mismanagement of one of the State institutions that we are now investigating. So we should not crowd him, but give him ample opportunity to get his evidence, or to get his witnesses.

Gov. Butler. I can only say that the committee have kindly offered —

The Chairman. The chair must say that we have had nothing to do with the summoning of witnesses. We have not, so far as I know, known the name of a single witness to be summoned before this committee.

Gov. Butler. With the exception of Dr. Dixwell.

Adjourned until Monday, April 16, at 9 A. M.

TENTH HEARING.

MONDAY, April 16.

The committee met in the Green Room at 9 A.M., Senator LORING of Worcester in the chair.

Gov. BUTLER. I will call this witness, Mrs. Pope, a little out of order; she is from another State and wants to return.

Mr. BROWN. Mr. Chairman, if there is no objection, I would like to put in these bonds that were called for.

Gov. BUTLER. Well, it is not time now. They will keep, won't they?

Mr. BROWN. I don't think they will.

The CHAIRMAN. Leave them with the committee.

Gov. BUTLER. Let me see them.

[Mr. Brown handed the bonds to Gov. Butler.]

Mr. BROWN. You talk about our refusal to produce things, and I want them in.

Gov. BUTLER. I want to examine them before they are put in.

TESTIMONY OF JENNIE ELIZABETH POPE (*sworn*).

Direct Examination by Gov. Butler.

Q. Give your full name? A. Jennie Elizabeth Pope.

Q. Where are you employed now, Mrs. Pope? A. At Middletown, Conn., in the insane asylum.

Q. How long have you been employed there? A. Ever since the twenty-eighth day of — a year ago the twenty-eighth day of last October.

Q. Then since October, 1881? A. Yes, sir.

Q. Were you ever employed at the Tewksbury almshouse? A. Yes, sir.

Q. When did you go there? A. I went there the eighth day of May, 1876.

Q. How long did you stay? A. I stayed there until the tenth day of August, 1877.

Q. Where did you go from thence? A. I went to Canada.

Q. Why did you leave? A. My husband died there and I took him home to Canada to bury him.

Q. Did you ever return there again? A. I came there, but not to work there again.

Q. Not to work there again? A. No, sir.

Q. What was your employment when you first went there, madam? A. Well, when I first went there, for the first week, I sewed for Mrs. Marsh; and then, for the second week, I helped to clean her house that they were to put children in, and then after that I was employed in the kitchen.

Q. What did they call you — housekeeper, or what? A. I believe they called me cook.

Q. Were you in the sewing-room? A. No, sir.

Q. You sewed there for a week with her? A. In my room — in my sleeping-room.

Q. Who were you sewing for? A. For Mrs. Marsh.

Q. Making what? A. Dresses. One was for Dr. Nellie Marsh.

Q. Will you tell the committee — speak up loud for them, because I can hear you sitting near by — what you have ever seen Mrs. Marsh do about taking dresses from the baggage-room, — or clothing, or anything of that sort? A. I have seen her go down to the baggage-room, without anything in her hands, and when she came back I have seen her taking up things that looked like dresses.

Q. Anything else? A. And shawls.

Q. What kind of dresses did she bring up? A. Well, they looked like silk dresses, some of them.

Q. How many times have you seen this? A. Well, I have seen her go down, I could not give you the number of times; I used to see her go down frequently.

Q. Where would she bring these dresses and shawls to? A. Well, she took them up into the centre of the house, I should judge.

Q. Up into her own room? A. She went up stairs, and her room was up stairs.

Q. Can you recollect any one of these dresses, or a silk dress like one you saw in her room, that you saw afterwards? A. Well, I saw, it was not a very light nor a very dark silk, on one of the Davis girls, that looked like one that I saw her bring up.

Q. One of the Davis girls — you mean one of her granddaughters? A. Yes, sir.

Q. Was there any particular — was there any more than one color in that dress? A. I think there were two; it looked like a black and a white.

Q. A black and white dress? A. Yes, sir; but it was not a very light dress nor a very dark one.

Q. You say you saw her coming from the baggage-room. How near the baggage-room did you see her? A. Well, I saw her come up the stairs.

Q. The basement stairs? A. Yes, sir; that led down into the baggage-room. Then she went across the yard into the wing.

Q. This baggage-room, if I understand it, is in the main paupers' building, is it not? A. Yes, sir; partly under the sewing-room, I think it was, and partly under one of the offices.

Q. You speak of her walking across the yard. Did she have to walk across the yard to go to her house? A. Yes, sir; from the baggage-room, she did.

Q. How near her room did you ever see her with these dresses and shawls on her arm? A. Well, I never noticed, but that she went up stairs; she used to go up stairs.

Q. Her room was up stairs? A. Yes, sir.

Q. Have you ever seen Mrs. Marsh cleaning dresses — old dresses — there? A. Yes, sir, I have.

Q. Where? A. She used to come down stairs and steep a lot of kid gloves and then clean them — clean the dresses with it; but I never saw her ironing any.

Q. Have you helped to clean them? A. No, sir.

Q. Have you ever seen her make over any of these old dresses, or dresses of the inmates? A. I don't know that I ever saw her, any more than that she used to be cleaning them.

Q. Have you ever seen her in the baggage-room overhauling the inmates' trunks? A. Yes, sir, I have.

Q. Have you ever seen the paupers making rugs from the old dresses of the inmates? A. Yes, sir.

Q. Were the rugs used in the building there? A. I never saw any there after they were made.

Q. Did you ever see any boxes there? A. Yes, sir.

Q. State where you saw them? A. I saw them on the second flight, in what might be called a hall or corridor.

Q. Second floor of what building? A. The centre building

— no, I don't think it was the centre building, but you went up into the centre building, from this corridor. I think it was more, perhaps, in the pauper building.

Q. More in the pauper building? A. Yes, sir.

Q. Near the old men's ward? A. Yes, sir.

Q. Describe those boxes as well as you can. A. Well, I don't know that I can very readily. They looked like large packing-boxes, as I passed them, but I didn't —

Q. Did you ever have any curiosity to look into them? A. I noticed that in one there was some very nice white flannel blankets; but the other was fastened.

Q. Do you know whether they were locked, or screwed down, or nailed down? A. They were screwed down, I think.

Q. After seeing those boxes there with the nice white blankets in them, what happened to the boxes, do you know? A. I don't know. They disappeared.

Q. Was that more than once, madam, that you saw the boxes? A. I saw the boxes there more than once; yes, sir.

Q. I don't mean to see the boxes to-day in the morning and then in the afternoon, but on different occasions? A. Yes, sir; I saw them there at different times.

Q. I want to get your location a little more closely. Whether that was in the hall of the house in which Mrs. Marsh lived? A. No, sir. She could go from her room into that hall.

Q. Did you call at the time, or did anybody else at the time, call your attention to these boxes — speak about them, I mean? A. My husband noticed them also, and I asked him if he saw where they were —

Q. Directed? A. Directed. And he said "Exeter, N H." was all the direction he saw on them. I didn't see any.

Q. Have you seen any bundles there done up, prepared to go away, apparently? A. Yes, sir.

Q. Where were they? A. Well, they were up in the corridor in the main building or hall.

Q. In the same building? A. No, sir; in the centre building.

Q. How frequently have you seen them? A. Well, I don't know; I saw them there several times.

Q. How large were those bundles? A. Well, they were bundles that were tied up with a cord.

Q. Were they tied up there for storage, or would they go

away? A. Well, I could not tell you that; I don't know. They went away.

Q. They went away? A. Yes — disappeared; I don't know where they went.

Q. You would simply find them gone, I suppose. Did you ever see any bodies in the dead-house, other than those in coffins? A. I saw two bodies in the dead-house.

Q. What were they in? A. Well, it looked like a box.

Q. Well, I mean a box as distinguished from a coffin. What bodies were they? A. One was that of a grown person, and the other was that of a child.

Q. There at the same time, or at different times? A. At the same time.

Q. And the grown person was of what sex? A. I should judge it was a woman; she had long hair.

Q. What had she on? A. She had on a soldier's coat.

Q. What? A. It looked like a soldier's coat; it was blue cloth with brass buttons.

Q. Well, there was a soldier's overcoat of dark blue cloth, and another of light blue cloth. Was this a soldier's coat of light blue cloth? A. I think it was; yes, sir.

Q. You have seen a soldier's overcoat? A. Yes, sir. It looked like a soldier's overcoat.

Q. State whether Mrs Thomas J. Marsh had charge of the sewing-room? A. Yes, sir; she had while I was there.

Mr. Brown. You mean Jr.

Gov. Butler. Yes. Mrs. Thomas J. Marsh, Jr.

Q. Whether she was absent at any time, for any length of time? A. Well, she used to go away Saturdays and sometimes she returned Saturday night, but usually she remained over until Monday.

Q. Did you know where she went? A. No, sir, I did not.

Q. Did you know of her being absent for any considerable length of time? A. The last summer that I was there, she went away, I think —

Q. How long was she gone? A. She was gone — she was gone five weeks before I left.

Q. And you left her gone? A. I left her gone.

Q. Had they a man there by the name of French who had charge of the insane patients? A. Yes, sir.

Q. Did you ever see any instance of his treating insane per-

sons improperly? A. I saw him coming over from the insane building, over to the main building, one day, taking a patient.

Q. What part of the main building? A. Perhaps I ought not to say the main building, but from the laundry.

Q. From the laundry? A. Yes, sir. He didn't go downstairs with the patient, but I saw him take her by the back of her neck.

Q. What did he do then? A. He treated her rather roughly.

Q. How? A. He kicked her.

Q. What? A. He kicked her.

Q. More than once? A. Yes, sir. He met her, and kicked her along on the walk, and as she went out of sight she was screaming.

Q. How do you know that woman was insane? A. She came from the insane building, and I supposed she was insane from that.

Q. Which way was she going when he overtook her, or did he confine her in some place? A. He came over, and I think he met her at the head of the stairs from the laundry. She was going up stairs or going down: I think she was coming up.

Q. Had she been down in the laundry? A. Well, I could not tell you that.

Q. Except that you saw her on the stairs? A. I saw her there.

Q. Then he caught her by the —? A. Back of the neck.

Q. Yes; and kicked her as she went along? A. Yes, sir.

Q. How far was it from the head of the stairs to where they disappeared, — into the insane building, I suppose that was? A. Well, they had to go around to the end of the office, and then they would go out of sight of the department I was in for a ways, and then you could see them again.

Q. Did you watch them any farther than around the corner of the office, or look after them? A. Yes: I saw him when he took her after they came in sight again.

Q. He was kicking her when he went around the corner of the office? A. Yes, sir.

Q. Then went out of sight, and then when he came back into your sight, what was going on then? A. Well, it looked as though he was kicking her again.

Q. Was she screaming all the while? A. I don't remember any screaming after she went out of sight.

Q. Well, now, from the head of the stairs around to the corner of the office, where she disappeared, how far was it? A. Well, you had to go the length of the sewing-room, and one office and the corridor.

Q. About how long was that corridor? A. Well, it was the width of the corridor, and not the length?

Q. The width? A. Yes, sir.

Q. Well, how far, as compared with the width of this room? A. Well, I should think it was longer than the width of this room, the distance that he went with her, that I saw her.

Q. You didn't see her afterwards, I suppose? A. No, sir.

Q. Do you remember an investigation — I only ask you for the purpose of fixing the time — do you remember there was an investigation before a legislative committee while you were there? A. No, sir, I do not remember of any.

Mr. Brown. She did not get there until after that.

Gov. Butler. Very well, that fixes the date just as well as the other way.

Q. After that, do you know of a Mrs. Charlotte Andrews, an insane woman? Was she there? A. At the institution?

Q. Yes. A. There was a Charlotte Anderson, I think.

Q. Anderson, yes, I guess it is; you are right. Was she an insane inmate? A. Yes, sir, I think so; she was called that, and she was in the insane building.

Q. Do you know how long she had been there? A. No, sir, I do not.

Q. Was she there when you went there? A. Yes, sir.

Q. And how long — what happened to Mrs. Anderson? How old was she, about? A. I don't know.

Q. Well, was she twenty years old, or from that up to thirty? A. I should suppose she was as old, but I don't know her age.

Q. You don't know her age? A. No, sir.

Q. She was woman grown? A. Yes, sir.

Q. Was she got with child there? A. Yes, sir; she had one after I went there.

Q. And do you know — was there any trouble made about it? Anything done about it that you know of, so as to find out who the father was? A. Not that I know of; no, sir.

Q. When you spoke of one of the Davis girls, was there one there named Miss Etta Davis? A. Yes, sir.

Q. Was she there a part of the time? A. She was there nearly all the while that I was there.

Q. When she went away did anybody take her place? A. Yes, sir.

Q. Some one stayed there. Who was that? A. Yes, sir. There was an Atwood girl came there when she went away.

Q. When you went away with your husband, did Mr. Marsh say that you might come back? A. Yes, sir. He said that I could have employment when I came back.

Q. Do you remember an occasion when a committee came up there to visit the almshouse — quite a large committee — do you remember the fact? A. Yes, sir; I remember that there was quite a large committee came there twice.

Q. Did you understand who they were at the time? A. Well, the first time I thought it was the legislature.

Gov. Butler. It was so large as that.

The Chairman. It was a large committee.

Gov. Butler. I think it will turn out that it was, Mr. Chairman, if my instructions are correct.

Q. Well, what preparation was made to receive them, in the way of cooking? A. Well, there was quite extensive preparation.

Q. What was the nature of the preparation? A. Well, there was nice things cooked up, such as meats —

Q. How? A. There was meats, and pies and puddings.

Q. How long in advance of the legislature's coming did they commence to make preparation for this committee? A. Well, I think the first time it was known only the day before: at least, that was the first I heard anything about it.

Q. You were then down in the kitchen? A. Yes, sir.

Q. Well, the second time what was the preparation made? A. There was cold meats cooked and kept ready for them.

Q. And did you hear anything said to the legislature by Capt. Marsh or anybody as to what preparation — whether any preparation had been made? A. No, I did not hear anything said by Mr. Marsh.

Q. By anybody? A. Mrs. Marsh — when the cold lunch came up Mrs. Marsh said that the Captain apologized.

Q. For what? A. Because they hadn't a better lunch — because he didn't know; had he known they were coming, he

would have prepared a better dinner for them. One of the gentlemen said that if they had known he would like to know what sort of a dinner they would have had, if he got that up in half an hour.

Q. And about how many days had they been cooking for that half-hour lunch? A. Well, they had known it a week before.

Q. Well, when anybody was coming did you use to know it it in advance? A. Do you mean any large company like that?

Q. Yes. A. Yes, sir; I think we did.

Q. Do you remember any case where a child was taken from its mother, and she was punished for crying about it? A. There was a Canadian woman who came in with her family; her husband came also; and her children were taken away from her and put down with the foundlings. She cried, and she was put into a cell.

Q. And locked up? A. Yes, sir.

Q. Do you know how long she was kept there? A. Well, she was kept there for two or three days. Then she was taken over to the insane building.

Q. What? A. Then she was taken over to the insane building.

Q. But into what sort of a cell? A. Well, I mean it was a small room. They called it a cell.

Q. Where was it? A. It was down in under the office, or next to the baggage-room; it was down in that part.

Q. Down in the basement? A. Yes, sir.

Q. How was she got into the cell? Any roughness of treatment. A. Well, she clung to the railing that was around, and the superintendent and Miss Kimball, who was there then —

Q. By the superintendent, whom do you mean? A. Capt. Marsh.

Q. What did they do? A. Well, the captain took hold of her and pulled her hands off of the railing, and helped to put her down into the cell.

Q. Do you remember an occasion when a good seamstress came there with child, or pregnant, and what she was employed doing? A. She was employed sewing up in the centre building.

Q. Up in Mrs. Marsh's room, do you mean? A. Yes, sir.

Q. Was there any sewing up in Mrs. Marsh's room for the inmates? Was any clothing made for the inmates? Do

they make any clothes for the inmates up there? A. I don't know; I don't know that they do.

Q. Until what time was she kept sewing? A. Well, until she was taken sick; or complained of being sick.

Q. Brought to bed, I suppose you mean? A. Yes, sir.

Q. Did you learn what became of that woman? A. I heard that she died.

Q. Died how? In labor? A. Well I don't know whether it was right at the time or a little afterward. She never came back again to the house, and I was told that she died.

Q. Now during all the time you were there, Mrs. Pope, how many times, how often did Mrs. Marsh, the old lady, visit either the foundling hospital or the insane hospital? A. I never knew of her going to the insane building but once, and to the foundlings but once. I saw her go there —

Q. And that was during —? A. The time I was there.

Cross-examination by Mr. Brown.

Q. Where was this kitchen in which you were serving as cook? A. It was in the centre building.

Q. Well, now, with reference to the rooms occupied by the Marsh family, where was it? There is a little rough sketch of those premises. There are the rooms occupied by the Marsh family; that is the centre building. Now, with reference to that, where was this kitchen where you were at work? A. Well, do you mean was it in the centre building?

Q. Yes. A. Yes, sir.

Q. That is, at that kitchen? A. Yes, sir; at that kitchen.

Q. And that was your employment from the time when you went there in May, 1876, until the time when you left in August, 1877? A. Yes, sir.

Q. What were your hours of employment? A. Well, I got up at four o'clock in the morning and I got breakfast; I stayed down there — I don't mean to say I got breakfast alone, and without help —

Q. With help you got breakfast and remained there through the day? A. Yes, sir. Perhaps I went to my room in the afternoon, after dinner was cleared away, and stayed there until supper time.

Q. Now, won't you be kind enough to tell me about how much time you had up in your room after dinner? A. I could not tell you.

Q. Well, an hour or so, I suppose. A. Yes, some days I did.

Q. Well, you were on duty until what time in the evening? A. Until the dishes were all washed up; sometimes it was nine o'clock, and sometimes half-past eight when I left the kitchen.

Q. So that it would be fair to say that from five o'clock —

A. Four o'clock I was always down stairs.

Q. Well, from four o'clock in the morning until seven or eight o'clock in the evening, with the exception of perhaps an hour after dinner, you were in or about the kitchen attending to your duties? A. Yes, sir.

Q. That would be a fair statement of it? Now, won't you be kind enough to tell me how, while you were in that kitchen during the day, you could see either the foundling hospital or the insane hospital? A. You could see it very readily.

Q. You can? A. Yes, sir; from the kitchen.

Q. The kitchen is on the first floor? A. Yes, sir.

Q. Where is the insane hospital? A. Well, it is over — you have got to go across.

Q. Yes. A. Quite a distance.

Q. And do you mean to say that from that kitchen you can see the insane hospital or any part of it? A. Yes, sir; I do.

Q. Do you mean to say that you can see the foundling hospital or any part of it from that kitchen? A. Yes, sir; I do.

Q. Now you have spoken about Mrs. Thomas J. Marsh, Jr., and you speak about her being employed in this sewing-room where they were making up these clothes. Where was that sewing-room? A. It was opposite the kitchen; in the same building where the offices were — where there were two offices, the front office and the back office.

Q. And this sewing-room was on the first floor, was it not? A. Yes, sir.

Q. And it was on that side of the building where the office is? It would be nearest to your kitchen, would it not? A. The office is not next to the kitchen.

Q. Well, there is a diagram. [Showing small diagram.] That is represented as the office; this is the lying-in room; there is a room there, and your kitchen is right across: that is correct, is it? A. Yes, sir.

Q. Now, won't you be kind enough to tell me whether, within your knowledge, Mrs. Thomas J. Marsh, Jr., was an

officer of that institution at that time? A. Do you mean whether she was receiving pay or not?

Q. I mean whether she was under obligation to labor for the Commonwealth. A. She told me that she received her monthly pay.

Q. She told you so? A. Yes, sir.

Q. When? A. Down in the kitchen one day, in speaking of — well, perhaps we were talking about working. I cannot distinctly — I cannot remember exactly what she said or how it came about that she said that; but in some of our talk, she said that.

Q. Do you mean to tell this committee that she said that then, in 1876 and 1877, she was so employed, or that she had been? A. No, sir; I mean to say that she was employed then.

Q. She said she was? A. Yes, sir.

Q. Employed for pay? A. Yes, sir; that she had pay monthly the same as the rest of us did.

Q. And you recollect the conversation very distinctly? A. I do recollect that she told me that.

Q. And that is all you know about it? A. That is what I know about it.

Q. What you say she told you. Now what was the color of this dress that you say you saw on this Davis girl? A. I think I said that it was not very light nor very dark. It looked like a black and white.

Q. Striped? A. Yes, I should think it was striped, but I would not say it was striped or checked; but it was not a very dark dress nor a very light one.

Q. It was silk? A. Yes, sir.

Q. Where did you say you saw that dress come from? A. I say it came from the baggage-room.

Q. Now where was the baggage-room? Let us see exactly about that. A. The baggage-room was down in the basement, in the same building where the sewing-room and the two offices were; but it was in the basement.

Q. Now where was it that you saw the work done on this dress — this silk dress — in the sewing-room you have referred to? A. No, sir.

Q. Where was that? A. I don't think I said I saw any work done to it. I saw the dress carried from the baggage-room into the centre building, or up stairs, and afterwards I saw it on Etta Davis.

Q. You are certain it was the same piece of goods? A. It looked just the same.

Q. Now, what was there in the two pieces of goods that you marked as being the same? A. Why the color of them and the looks of them. I have no reason to doubt but what they were the same.

Q. Now, tell us when it was that you saw this. Was it in 1876 or 1877? A. I don't know that I can do that. It was while I was there.

Q. All you know is that it was between May, 1876, and August, 1877? A. I think it was in the spring of 1877.

Q. Can you fix the time by some association; as when Etta Davis was there? A. Etta Davis was there nearly all the time, if not quite, that I was there.

Q. Now you don't know anything about whose dress that was, or anything of the kind, do you? A. I know it came out of the baggage-room.

Q. That is all you know? A. Yes.

Q. You don't know whether it belonged to an inmate or not? A. Well, I judged it belonged to an inmate. I don't think it belonged to any of the family; if it had I don't think it would have been down there.

Q. You seem to be very ready to judge; won't you tell us the reason why? A. Well, I don't judge they would have their goods down in the baggage-room. [Applause.]

The CHAIRMAN. Unless the committee order otherwise, if this applause is continued, I shall ask the doorkeeper to clear the hall. This is no place for applause or disapprobation.

Q. (By Mr. BROWN.) Now, simply on that slight thread, you are willing to sit here and charge Mrs. Marsh with having appropriated property that belonged to somebody else, are you, madam? A. Yes, sir, I am.

Q. You are? You don't like Mrs. Marsh? A. I have nothing against Mrs. Marsh.

Q. Not anything? A. No, sir.

Q But that is the way you feel towards her; that on that slight evidence with regard to that dress, you are willing to charge her with having appropriated it? That is the way you feel, is it? A. I feel sure she did appropriate it.

Q. And you feel sure it was the property of an inmate? A. Yes, sir.

Q. Now, what was the name of this man French that you

have spoken of? There were two gentlemen of that name, were there not? A. Yes, sir.

Q. Was this man French married? A. Emmons. — I think his name was Emmons French.

Q. Emmons French. Did he have a wife there? A. Yes, sir.

Q. Do you recollect her name? A. I cannot recollect it.

Q. Was she an officer? A. Yes, sir. She was employed in the insane building.

Q. Is this Mr. French living, do you know? A. No, sir; he is not.

Q. Do you know when he died? A. He died at the insane building while I was there.

Q. Do you know where Mrs. French is? A. I do not, of my own knowledge, but I have heard that she was in Maine.

Q. Now, what was the name of the other Mr. French? A. Lemuel, I think.

Q. Lemuel French? A. Yes, sir.

Q. Was he married? A. Yes, sir.

Q. Was his wife there? A. Yes, sir.

Q. Is he living? A. I think he is.

Q. When did you last see or hear from him? A. I have not seen him for a long time, but I have never heard of his death.

Q. [Producing the large plan.] There, madam, is a map of this institution and the grounds. That represents the main building; there would be your kitchen; there was the sewing-room and the office which represents the building which I shew you on the small diagram. Now, what do you understand that building to be? [Indicating a building.]

Gov. Butler. This map, madam, was made in 1882.

Q. (By Mr. Brown.) Well, that is the conservatory, and that [indicating] is in the position where you say the insane hospital would be? A. Well, I should think it was.

Q. What was this building here? A. That looks something as though it might be the foundling house, but I could not be positive about that.

Q. And this is the men's hospital, is it not, along here? A. Do you mean all these are included inside of the grounds?

Q. I don't see the fence here, — yes, here it is; this dotted line. This is inside the ground. That, you should say, would be the insane hospital? A. It looks like it.

Q. And that, you think, is the foundling hospital? A. Unless that is a new building put up there. I have not been there for a good many years.

Q. Well, that insane hospital was not a new building when you were there. A. No, sir; it was a brick building.

Q. Now, you spoke in regard to this Canadian woman and her children. How many children were there? A. I don't know how many she had.

Q. Well, how many were there that you knew about? A. She had children.

Q. Well, there were two or three of them, weren't there? A. I could not tell how many there was.

Q. Well, were they small? A. Yes, they were quite young children.

Q. And her husband was with her? A. Yes, sir.

Q. Now, do you know their name? A. No, sir.

Q. Never knew their name? A. No, sir.

Q, Where did you see them? A. I saw her as they were putting her down stairs; and then I saw her when she was leaving the building. She left.

Q. That is, she left and went to the insane hospital? A. She went from the cell when they took her to the insane hospital.

Q. What did she go to the insane hospital for? A. I don't know.

Q. Well, what did you think? You had some impression at the time, didn't you? A. I don't know what she went there for. She went there.

Q. You don't know whether she went there as a punishment, or because she was insane, do you? A. No, I do not.

Q. You don't know why she was separated from her children? A. Well, they separate the children from their mothers when they go in there.

Q. When they go into the insane hospital? A. When they go into the institution, — unless they are very small children, — unless they are babes.

Q Now, can you tell what time it was during your administration as cook that this Canadian woman was there? A. No, I can't.

Q. Can't tell whether it was in 1876 or 1877? A. It was in 1877, I think.

Q. Now, what was the name of this woman that you say

came there and did sewing for a long time before she was confined? A. I don't know her name.

Q. Did you ever hear her name? A. I don't think I ever did.

Q. What time was that; that is, the date about when this took place? A. I cannot give you the date. I had other things to think about besides that.

Q. Well, can't you tell the year? A. It was during the while that I was there.

Q. That is all you can say, is it? A. No, I could not give any date.

Q. Could not give any date? A. No, sir.

Q. And you don't know anything about what became of the woman, except what you say you heard? A. No, sir; that she went into the hospital, and soon died.

Q. Now, who told you that? A. Well, I heard it there as a — talked of.

Q. For whom did you cook? I cooked for the Captain's family, and for the officers.

Q. Now, I did not understand exactly where these boxes were that you spoke of? A. They were up in what might be called the corridor, or hall, on the second flight, between the main building, or the centre building, and the old men's ward.

Q. Well, the second floor, as you stand facing the railroad, as the building faces, on the left. At that time the wing was devoted to what was called the old men's ward, both floors, was it not? A. Yes, sir; I think it was.

Q. And this was in the corridor on the second floor? A. Yes, sir.

Q. Do you recollect whether there were two doors that went into the old men's ward from that corridor on the second floor, or but one? A. I don't recollect but one.

Q. But there were two boxes? There were two boxes in the corridor? A. Two boxes in the corridor; yes, sir.

Q. Were they standing together in nearly one place, or was one upon the front and one upon the back of the corridor? A. Well, when I saw them they were together — two boxes standing there together.

Q. What kind of boxes? A. Well, they looked like packing-boxes.

Q. Well, how large were they? A. I could not give you

the dimensions of them, except as I went along I saw them there.

Q. Were they common boxes, such as you see sheetings come in, — a sort of square box, reinforced on the edges with a cleat? A. I did not stop to see where there was any cleats or anything of that sort. They were what I called packing-boxes.

Q. You said one was open? A. Yes, sir.

Q. You looked into that? A. I stopped and looked at it, because I observed there was a very nice-looking white blanket. I didn't lift up this blanket to see what was underneath it.

Q. You didn't see anything else in the box? A. No; I saw the blanket.

Q. And the other box, you say, was fastened? A. Yes, sir.

Q. You never saw any boxes on the first floor, did you, while you were there — in that corridor on the first floor? A. No, sir.

Q. How frequently were you in that corridor on the first floor? A. Why, I don't know. I used to go in there occasionally, perhaps three or four times a week, and perhaps not as often.

Q. And where was your sleeping-room? A. My sleeping-room was up in the centre building, up on the third floor.

Q. Now, to get to that sleeping-room, you went into the front hall of the Captain's part? A. I could do so, or I could go around and go up these front stairs, through this front hall.

Q. That is to say, you could go into the wing, which was the ward for women, or you could go into what was called the old men's ward and go up a flight, and then pass through the door on to the piazza, and then go up the centre? A. I could do so; or I could go up still another flight in the wing.

Q. And then pass on to the piazza and go up? A. Yes, sir.

Q. Now, was it while you were going up in this way to your room that you saw these boxes? A. I don't know, I am sure.

Q. Well, tell me what was the occasion of your being in that corridor? A. I was going up stairs.

Q. Well, what was the occasion of your going up stairs? A. I don't know as anything particular; perhaps I went up to my room, I cannot tell.

Q. Was either box locked — have a lock on it? A. I didn't see any lock.

Q. You cannot give us any idea as to the size of those boxes, can you, more than what you have given us? A. No; I call them packing-boxes.

Q. Well, about how large? A. Well, I cannot tell you.

Q. As large as a shoe-box? A. Well, there are different sizes of shoe-boxes.

Q. Well, take either size you want, and tell us how large it was? A. I cannot tell you anything, except they were large — they were packing-boxes.

Q. Well, what is a packing-box? A. Well, they are wooden boxes; different sizes.

Q. How large was this? A. I cannot tell you how large it was.

Q. Well, haven't you any idea whether it was a foot square or two feet square or three feet square? A. I cannot tell you anything more, only that it looked to me like a packing-box — that is what I called it — to pack goods in.

Q. Where did you ever see one like it before? A. I don't know that I saw one like it.

Q. Then how do you know it was a packing-box? A. Do you mean to ask if ever I saw a packing-box? I have seen packing-boxes; oh, yes.

Q. Well, when did you ever see a packing-box like that before? A. Well, I have seen what I call packing-boxes, that looked like that, in stores.

Q. What stores? Dry-goods stores? A. Yes, sir.

Q. Well, such as they take print calicoes out of — print cloths? A. I don't know what they take out of them.

Q. What did you ever see in them? A. In the stores?

Q. Yes. A. Well, I don't know. I have seen them in the back rooms, in the back store; I didn't look to see what was in them.

Q. How large did they look to you when you saw them in the back store? A. I did not observe them. I could not tell anything about it, only they looked like packing-boxes.

Q. When did you ever tell this story that you have told here to-day, before you came here to-day? A. Well, I have not told it, that I know of, to any one. I have talked with Mr. Innis.

Q. When? A. Well, I think Friday night.

Q. Last Friday night. Where was it? A. It was in the hotel.

Q. What hotel? A. The Essex House.

Q. Where? A. At Salem.

Q. Are you stopping at the Essex House? A. I was stop ping there then.

Q. How long had you been there? A. Well, I don't know; perhaps two hours.

Q. Where did you come from? A. I came from Middletown, Conn.

Q. Are you living in Middletown, Conn? A. Yes, sir.

Q. How long have you lived in Middletown, Conn? A. I went there a year ago the twenty-eighth day of last October.

Q. What are you doing in Middletown, Conn? A. I am an attendant there.

Q. Where? A. In the insane hospital.

Q. From the time you went to Middletown back to the time you left Tewksbury, what have you been doing? A. I have been at work in different places taking care of insane.

Q. What places? A. I have worked at Worcester.

Q. In the insane hospital at Worcester? A. Yes, sir. I have worked at Danvers.

Q. Where else? A. I have not worked anywhere else in hospitals. I have worked at Danvers in a shoe shop, and also I have lived in Winchester.

Q. Where in Winchester. A. At Winchester Highlands.

Q. In whose house? A. In one that I rented.

Q. Now, what had been your business prior to the time you went to Tewksbury, if anything? A. My home is in Canada. When I lived in Canada I kept a hotel after I was married.

Q. Whereabouts in Canada? A. In Compton — the town of Compton, and the town of Hadley.

Q. What was your husband's full name. A. David Holton Pope.

Q. And he was the proprietor of those hotels in Canada that you kept? A. Yes, sir.

Q. When did you leave off keeping hotel in Canada? A. Well, I think it was the year 1874.

Q. What did you do from 1874 to 1876? A. I was in Massachusetts.

Q. Doing what? A. I was in a boarding-house.

Q. Where? A. In Lowell, on Warren Street.

Q. What number? A. Number 29, I think, was the number.

Q. You and your husband kept a boarding-house? A. No. sir.

Q. You were employed there? A. Yes, sir.

Q. What was your maiden name? A. Henry.

Q. What was your full name? A. Jennie Elizabeth Henry.

Q. Where were you from in Canada? A. From Compton.

Q. Always lived there until you married? A. Yes, sir.

Q. Now, I would like you to tell me again where Mr. French was at the time when you say he took this insane woman by the back of the neck?

Gov. BUTLER. You haven't asked her about that before. You said: "Tell me again." You mean tell the story again.

Mr. BROWN. Excuse me. Tell the story again.

The WITNESS I mean to say that he took this patient at the head of the stairs that went down into the laundry — I did not see him go down after the patient.

Q. Let me see. In the first place, where were you? A. I was in the kitchen.

Q. You were in the kitchen? A. Yes, sir.

Q. And you saw this through the window? A. I think I stood in the kitchen door.

Q. In the kitchen door looking out into that court were you, toward the office and the dining-room? A. Yes, sir.

Q. Now, tell us where he was. A. Why, he came along on the walk and went to the head of the stairs.

Q. Head of what stairs? A. Why, the stairs that come up from the laundry.

Q. And let me see exactly where the laundry was. Where was the laundry? Was it in that same building? A. The laundry was in the basement. It was not in the same basement with the baggage-room, but I think it was in under the dining-room where the inmates ate.

Q. Under the dining-room where the inmates ate. That is to say, there you were at the kitchen, now where was the laundry? [Referring to the diagram.] There is the old ladies' dining-room, there is the sewing-room and the office. Now, where was this laundry? A. Perhaps it has been changed since I was there. It ran right along like that.

Q. Right under that dining-hall that is there? A. Yes, sir. Right under that.

Mr. BROWN. I will just put a cross there.

The WITNESS. Yes. I think it was under the dining-hall.

Mr. Brown. Somewhere in the neighborhood of where I have indicated by the cross.

Q. Now, where do you say he went? He went over to the insane building, and you followed him with your eye until he got how far? A. Until he went around the end of the house. Then he gets out of sight — did then.

Q. Well, how came he to go out of sight? A. The office hides the — would hide the view for a ways until he got along nearer to the insane building. Then he would come in sight again.

Q. Well, until he got nearer the insane building; and then you say he would come in sight again? A. In sight of the kitchen.

Q. You did not see anything, then, after he passed around the corner, did you? A. Yes. I saw him after he came in sight of the kitchen again.

Q. And you are sure that he came in sight again? A. Yes, sir.

Q. And he was then very near the insane hospital, was he? A. Well, I cannot tell how near.

Q. But he was between the conservatory and the insane hospital, was he not? A. I would not say he was between the conservatory and the insane hospital.

Q. Well, was he between the office and the conservatory? A. I cannot tell you that.

Q. Where was he? A. He was on the walk agoing from the main building over to the insane building, and he came in sight after he had been around the end of the building.

Q. Well, do you refer to that walk which leads directly from the office to the insane building? A. Yes, sir; I refer to that.

Q. Don't you know that every part of that walk is hidden from view from the kitchen? A. No. I do not.

Q. You are positive?

Gov. Butler. You don't mean "is," but was.

Mr. Brown. Yes, was. I accept the amendment.

Q. Don't you know that it was at that time entirely hidden from the view of the kitchen? A. No. I don't know that it was.

Q. But you are perfectly certain, Mrs. Pope, that it was on that walk which leads from the office directly to the insane hospital, on which Mr. French and this woman were travelling, when he was abusing her, as you have said? A. Yes, sir.

Q. And what time in the year was it? A. Well, there was not any snow on the ground.

Q. Well, you didn't see through the door, through the office? You didn't see through the building? A. No, sir; I did not.

Q. And you did not see around? A. No; I did not see around the end; after he got around the end he went out of sight.

Q. Then you saw him again? And it was on the walk when you saw him again? A. It was on the walk that leads from the office to the insane building.

Q. (By Gov. Butler.) I want to ask you a single question. You were asked whether, on the slight evidence of that one dress, you were willing to accuse Mrs. Marsh of having appropriated inmates' property. Hadn't you the other evidence of seeing her come up with them on her arm? A. Yes, indeed, I had.

Q. Now, about this woman who was kept at work until she was confined, and then you say went to her confinement and died immediately. Was that made a subject of talk in the institution? A. Yes, sir; it was spoken of around at different times.

Q. You were asked what was talked there, so I will ask you what was said about it. A. I spoke of such a woman and they said she went to the insane hospital — that she went to the hospital and died; and it was said they thought if she had worked around and had not sat so much, she might have lived.

Q. Now about the packing boxes — can't you indicate like this, with your hands, about how large you think they were, without saying feet or inches or anything of that kind?

Mr. Brown. Don't show her the width that you want.

Q. The width or height of the boxes. That is, you can say, if you will, that they were as big as that, or they were not as big as that. A. Well, they were longer than they were wide.

Q. How wide should you say they were? That is, not in feet and inches — because that always bothers ladies to indicate in that way. A. Well, perhaps they were as wide as that. [Indicating with her hands.]

Q. And about how high? A. This seemed to be standing on end, one of them did.

Q. And the other about how high? I don't know but you told me they were of different sizes. Now about how wide, as

it stood on end, would it be? A. Perhaps as wide as that. [Indicating with her hands.]

Q. Which was the one that was fastened? the one that was standing on end? A. No, the one — yes, the one that was standing on end was the one that was fastened.

Q. (By Mr. BROWN.) I wanted to ask you if you remained in the kitchen all the time while this Mr. French was taking this woman over to the hospital? A. I have no recollection of leaving the kitchen.

Q. The presumption would be that you remained? A. Yes, sir.

Mr. BROWN. Now, Governor, I think we understand each other about the width of these boxes; perhaps we can agree upon the width.

Gov. BUTLER. I can't; because last week you were measuring the door to see how big a box could go through.

The CHAIRMAN. I think we understand from the witness.

Mr. BROWN. Because the way it stands now I think the box is still in the corridor.

Gov. BUTLER. It was put there as a fixture, I have no doubt.

Q. (By the CHAIRMAN.) Do you know whether there was occasion for the application of any force to that woman that Dr. French treated as you say he did? A. Well, I don't know. I suppose she was insane and perhaps refused to go.

Q. Was she refractory? A. I don't know what she had done down in the laundry — anything about that.

Q. You don't know the occasion? A. No, sir.

Q. You have had considerable experience with insane patients? A. Yes, sir.

Q. Is it unusual to have to apply some degree of force? A. Well, we are never apt to take them by the back of the neck.

Q. But you sometimes have to apply some degree of force? A. Well, no; not to injure them; no sir.

Q. I don't mean that; but you have to lay hands on them and compel them to obedience? A. Yes, sir.

Q. Did you ever see Dr. French treat violently any other patient? A. No, sir.

Q. (By Gov. BUTLER.) They never kick them, do they? A. No, sir.

Q. (By Mr. PUTNEY.) Do you know what became of this

woman that was so roughly treated? A. She was taken over to the insane building.

Q. You never heard anything from her? A. No, sir.

Q. Never heard of her dying there? A. No, sir.

Q. You have testified, I believe, that you have never known Mrs. Marsh, while you were there, to visit the insane ward but once? A. No, sir.

Q. And the foundling hospital very seldom? A. Once.

Q. Was you in position to see her every time that she would visit those patients? A. Well, I think I would have seen her had she have gone over there.

Mr. Putney. Then you are quite sure she did not visit.

Mr. Brown. I shall call attention by and by to their diagram of these buildings, and I shall show that they could not either of them be seen from where this witness was.

Gov. Butler. Of course.

Q. (By Mr. Chamberlain.) You say you have had considerable experience in the treatment of the insane. In using restraint with the female insane do they ever injure themselves? A. We do not restrain them. They are not restrained.

Q. You do not restrain them? A. Do you mean by restraint putting on what they term a "jacket?"

Q. I am not speaking of that at all. A person in a ward becomes all at once very violent, and of course you go around and restrain that person. Now, in restraining the insane, does not the person sometimes injure herself? I am speaking now of the violent insane. A. Well, there are always two attendants in a ward, and we are both supposed to go directly to the patient and sit down with her and hold her; calm her down until she gets over the attack.

Q. Don't you find it pretty difficult to sit down and hold a person down — I mean from the very force that is applied to restrain that person? A. Yes.

Q. Don't they sometimes injure themselves? A. No, not while you sit down with them. I don't know as I have ever seen one who has had a black-and-blue mark on her.

Q. (By Mr. Putney.) I think you testified that this young Davis lady was there a large part of the time you were there? A. Yes, sir.

Q. Was she employed in any duty there? A. No, sir.

Q. It was known that she was there as a visitor? A. It

was known that she was there; yes, sir. I don't know why she left there. She was there.

Q. I think you said she stayed there and went away, and someone came to take her place? A. Yes, sir.

Q. Who was it? A. It was the Atwood girl.

Q. Another relative? A. Yes, sir; another grandchild.

Q. (By Mr. GILMORE.) Did she do any work while there — assist in any matters about the house? A. Not anything that I ever saw.

Q. (By Mr. PUTNEY.) How old a young lady was she? I speak now of the Davis girl. A. I could not tell you. She was a young lady — perhaps twenty.

Q. (By Mr. LEARNARD.) I understood the witness to state that Miss Davis did not do any work? A. Not any work about the house that I ever saw.

Q. Then, do I understand that Miss Atwood took her place? A. Came there and stopped while she was away.

Gov. BUTLER. They kept one there all the time; that is it.

Q. (By Mr. WOLCOTT.) In the case of this woman who you said was confined and afterwards died, there was some talk outside that she had said too much. Do you mean to say that she had been allowed to die, or neglected, or killed, or something of that sort? You made that remark, that it was common talk that she would not have died if she had not talked so much?

Gov. BUTLER. If she had not sewed so much.

Mr. WOLCOTT. We understood it here, if she hadn't said so much.

Q. (By Mr. PUTNEY). Let me ask if the insane woman, Anderson, was the one who sewed so much for Mrs. Marsh.

Gov. BUTLER. Not the Anderson woman.

The WITNESS. Not the Anderson woman.

Gov. BUTLER. This woman came there pregnant; the Anderson woman became pregnant afterwards.

Q. (By Mr. PUTNEY.) It was the French Canadian woman who died? A. No, sir.

Gov. BUTLER. The Canadian woman was the one that was taken from the cell and sent to the insane hospital.

[The committee here took a recess of five minutes.]

FRANK BARKER (*recalled*).

Direct examination by Gov. Butler.

Q. You knew Mr. Manning in his lifetime, didn't you? A. Well, sir, I have seen him a great many times.

Q. I want a little description of him, and I will come directly to it. Had he a grey beard? A. Well, sir, sort of sandy; I think a little grey mixture.

Q. A short man? A. Well, I should judge five feet ten, perhaps.

Q. Did he drive a covered wagon? A. Yes, sir.

Q. And a white horse? A. I don't know as I ever saw a white horse; I have seen a red horse there.

Cross-examination by Mr. Brown.

Q. There are one or two questions in connection with your history which have come to me since you were on the witness stand, I should like the privilege of asking you about.

GOV. BUTLER. All right; I have no objection.

Q. Do you know a Mrs. Houston in Boston, here? A. Mrs. Houston?

Q. Yes; used to live on Shawmut Avenue. A. Yes, sir.

Q. Do you know a Mrs. Messenger? A. I do.

Q. And when Mrs. Messenger and her husband boarded at Mrs. Houston's, you were in the habit of going to the house? A. Yes, sir; I boarded there.

Q. That was when you kept a provision store, was it not? A. Yes, sir.

Q. And you went there before you ever went into the provision business, didn't you? A. I occasionally visited Mrs. Houston.

Q. Now, won't you tell us where you got the stockings you were in the habit of disposing of in town, at the time you were at the Tewksbury almshouse? A. That I?

Q. Yes, sir. A. Was in the habit of disposing of?

GOV. BUTLER. I think the question should not be put in that form. It assumes that he did do this.

The WITNESS. I should like to have him prove it.

The CHAIRMAN. This is in cross-examination.

GOV. BUTLER. You can't assume facts even in cross-examination.

Mr. Brown. I will put the question so there will not be any difficulty about it.

Q. Did you ever take any stockings from the Tewksbury almshouse and sell them in Boston? A. Never.

Q. Sure of it? A. Never; I am sure of it.

Q. Did you ever take any liquors from Tewksbury almshouse to sell in Boston? A. No, sir.

Q. None? A. None.

Q. Ever sold them to anybody? A. No, sir.

Q. Did you ever take any straw hats from Tewksbury almshouse to sell in Boston? A. No, sir.

Q What? A. No, sir.

Q. Sure of that? A. Yes, sir.

Q. And never told Mrs. Messenger so? A. Yes, sir; I never told her any such thing.

Q. Sure of that? A. Yes, sir.

Q. You are in the habit of writing Mrs. Messenger letters? A. Yes, sir; I wrote her one letter in my lifetime.

Q. And did you keep a copy? A. No, sir.

Q. Have you ever seen that original since you mailed it? A. Yes.

Q. Where is it? A. The letter?

Q. The original. A. The original person, you mean, the person?

Q. No, the original letter. A. No, sir.

Q. Did you ever dispose of any goods which were the property of the Commonwealth from the Tewksbury almshouse? A. No, sir.

Q. In no way, shape nor manner? A. No, sir.

Q. And never made your boasts that you did? A. No, sir.

Q. What was your partner's name in the provision business? A. Steward.

Q. Where is he now? A. I don't know, sir.

Q. When did you last see him? A. Oh, perhaps — I don't know — perhaps six months ago.

Q. Where was he then? A. In Boston.

Q. What was his full name? A. Charles.

Q. Any middle name. A. I don't know, sir. I think not.

Q. Where was your place of business, what street and number? A. No. 1617 Washington Street.

Q. Up near what is called the St. James Hotel? A. Yes, sir; just beyond it.

Q. Near what is called the Lancaster — used to be called the Lancaster? A. I don't remember.

Q. Opposite from the Commonwealth, wasn't it, on the opposite side? A. No, sir; it is 1617, and numbers on the right hand side going up Washington Street.

Q. Whereabouts? A. Between Rutland and Concord.

Q. Between Rutland and Concord? A. I think so; yes, sir.

Q. Did you ever, at any time, when you were down at Boston visiting, have on your person any stockings such as were used by the inmates at Tewksbury? A. No, sir.

Q. Never did? A. No, sir.

Q. Nor exhibit any to anybody? A. No, sir.

Q. Did you wear them on your feet? A. The stockings that they had at the Tewksbury almshouse?

Q. Such as they had at the Tewksbury almshouse? A. No, sir.

Q. Never did? A. No, sir; perhaps you may say these I have got on now came from there. Do you want to see them?

Q. If you feel they did you had better show them to the committee. A. H'm! h'm!

Q. And now, Mr. Barker, you want this committee to understand that while you were at Tewksbury you never took without leave any property belonging to the Commonwealth and disposed of it in Boston? A. Yes, sir.

Q. And you intend that shall include everything, whether stockings, drawers, undershirts, pantaloons, coats, or anything else? A. Yes, sir.

Q. Whatever? A. Yes, sir; dead bodies or anything.

Gov. Butler. I will call you by and by about something else. You may remain in attendance.

Dr. Sherman H. Sanborn (*sworn*).

Direct examination by Gov. Butler.

Q. You reside in Woburn? A. Yes, sir.

Q. In 1878 were you a student at the dental college on Washington Street? A. Tremont Street.

Q. At that time, while you were there a student, did a man with a gray beard, driving a covered wagon, come there? A. Yes, sir.

Q. Had he anything to dispose of? A. He had.

Q. What was it? A. A corpse.

Q. What did he ask for it? A. Fourteen dollars.

Q. Where did he say he came from? A. Tewksbury.

Q. Did the students subscribe around and buy it? A. No, sir; they didn't.

Q. Who did? A. Yes, sir, we did, too. The janitor wasn't there, and we chipped in for the body and paid for it. Afterwards the authorities paid us back the money we paid for it.

Q. Did you ever see him there before? A. No, sir.

Q. Ever see him there since? A. No, sir.

Q. Was that the only dead body you had while you were there? A. No, sir.

Q. Did you know of any more that came from Tewksbury? A. No, sir.

Q. This one he had for sale, what did he say, as near as you can tell us? A. Well, I had to ask him several times what he wanted.

Q. You asked him several times what he wanted; he called there, did he? A. Yes, sir; finally he said he had a body.

Q. What did he say? A. I asked him how much he asked for it, and he said fourteen dollars. We paid the money and brought it up stairs.

Q. Was that the body of a grown person? A. Yes, sir.

Q. Male or female, do you remember? A. Female.

Q. Can you tell us what time in 1878 that was? A. The latter part of February.

Cross-examination by Mr. Brown.

Q. February, 1878; who was the head of that dental college? A. I don't know what you mean by the head.

Q. Was there somebody who had charge of that college, some professor or something of that kind? Was it Mr. Wetherbee? A. I don't know; he was president of the college.

Q. Did you know a Mr. Robbins connected witn the college? A. I did.

Q. You didn't know who this man was that had the body? A. I do not.

Q. And you don't know how he came there, do you? A. Don't know how he came there?

Q. Yes. A. I saw him drive up in a team.

Q. But you don't know what was the occasion of his coming

there, whether he had been sent for to bring that cargo or what, do you? A. No, sir.

Q. All you know is that he came with this body? A. Yes, sir.

Q. Didn't you know that Mr. Wetherbee, the president of that institution, and Mr. Robbins, — was he an officer of the institution, also? A. Robbins?

Q. Yes. A. Yes, sir.

Q. What was his position? A. Treasurer.

Q. Didn't you know that Mr. Weatherbee and Mr. Robbins had joined in a bond to the trustees of the Tewksbury almshouse to cover the delivery of any bodies which were produced there for anatomical purposes? A. That is a matter of no interest to me, and I didn't know anything about it.

Q. Didn't know anything about it? A. No, sir.

Q. Didn't inquire about that? A. No, sir.

Q. And you didn't care whether that man who came there and left that body was violating the law or not? A. Nothing to me whatever.

Q. Now, what did you say became of that body? A. It was dissected.

Q. And what did you say about the money being returned? Did I understand you to say something about that? A. Yes, sir; it was returned to us, what we paid. the college paid for the body.

Q. To us, — what do you mean by that? A. Several of the students, myself among others, put in a dollar apiece or more.

Q. And took the body? A. And took the body.

Q. And the college afterwards returned the money to you? A. Yes, sir.

Gov. Butler. The janitor, he says.

Mr. Brown. The janitor.

Q. And the body was dissected there in the public dissecting room, was it not? A. Yes.

Q. Have you any doubt about it? A. My answer lead you to think I had any doubt about it?

Mr. Brown. Your manner led me to think you were very much in doubt.

THOMAS HILL (*sworn*).

Direct examination by Gov. Butler.

Q. You live in Woburn, Mr. Hill? A. I do.

Q. How long have you lived there, sir? A. Since 1870.

Q. Do you hold any position there? A. I am one of the town government.

Q. One of the board of selectmen? A. Yes, sir.

Q. Did you give me that? [Handing witness what appeared to be a piece of leather]. A. I did.

Q. What is it? A. It is a piece of negro skin, tanned.

Q. Where did you get it? A. Mr. Bancroft, of the firm of Eustace Cummings & Co., gave it to me.

Q. What was their business? A. They were tanners and curriers.

Q. In Woburn? A. Yes, sir.

Q. How do you know it is a negro's skin? A. From the fact that Mr. Bancroft told me.

Q. Did he say where it was tanned? A. Yes, sir; at his tannery.

Q. When did you get it? A. I got it about a year and a half ago, I think.

Q. Was Mr. Bancroft on your board? A. He was a member of the board of selectmen three years ago.

Q. What did he give it to you for? A. As a curiosity.

Q. Your name on there? [Referring to the exhibit]. A. That is my mark.

Q. Your initials upon it. Where is Mr. Bancroft? A. Mr. Bancroft is now working for the firm of John B. Alley & Co., at Ayer Junction. He left Woburn last summer.

Q. (By the CHAIRMAN.) Do you know anything about this matter excepting what you have been told? A. Nothing more than what I have said, because I am not connected with them in business in any way.

Q. (By Mr. BROWN.) You don't know anything about where it came from? A. No.

GOV. BUTLER. You need not bother about that; I will have the man who tanned it in a minute.

The WITNESS. I am told there are a number other pieces of the skin still in Woburn, which can be produced if necessary.

The CHAIRMAN. Do you wish to examine him, Mr. Brown?

Mr. BROWN. Under the ruling of the committee I don't

object, but this is the most ridiculously incompetent piece of testimony I ever heard.

Gov. Butler. Why so? I must begin at one end or the other.

Mr. Brown. You always begin at the incompetent end, I think, on purpose.

Gov. Butler. Well, sir, that is easily said, and kind.

Mr. Brown. It is said with the kindest feelings, but with the intent to be truthful.

Gov. Butler. I don't care where it came from, whether it came from Tewksbury or Harvard College; it is not decent treatment of the remains.

John F. McGovern (*sworn*).

Direct examination by Gov. Butler.

Q. Your full name is John F. McGovern? A. Yes, sir.

Q. You live in Woburn? A. Yes, sir.

Q. How long have you lived there? A. Thirty-four or five years, sir.

Q. By trade a tanner and currier? A. Yes, sir.

Q. Work for the firm of Cummings & Bancroft? A. Yes, sir.

Q. This is Mr. John Cummings? A. Eustace Cummings & Co.

Q. At any time in Woburn, at your tannery, was there an untanned skin of a negro brought to you? A. Yes, sir.

Q. Did you tan it? A. Yes, sir.

Q. I don't suppose you can recognize that particular piece [the piece shown previous witness], and I don't know but you can, sir. A. Yes, sir, that is a piece of it.

Q. How do you know? A. I know it by removing the black, that is, making the change of color.

Q. You removed the black with some sort of process? A. Rubbed it off.

Q. How much of the negro's skin was brought to you, sir? A. Part of the back, breast, and the left arm, to the fingernails.

Q. Who was the man that brought it? A. W. F. Morrison was the card left me.

Q. He left his name on a card, did he? A. Yes, sir.

Q. Did he tell you where he got it, where it came from? A. He said he brought it from Harvard, and he said it came from

Tewksbury. I objected to tanning it on account that I didn't know whether it was healthy or not. He said it was a healthy old dog; that he had worked over it for three weeks.

Q. (By the CHAIRMAN.) He brought it from Harvard? A. Yes, sir.

Q. Said he brought it from Harvard? A. Yes, sir.

GOV. BUTLER. Perhaps you didn't hear the rest of it, the witness spoke so low. The witness objected to tanning it because he was afraid of blood poison, I suppose; afraid it was unhealthy.

The WITNESS. Yes, sir.

GOV. BUTLER. And this man said that he need not be troubled about that, that he was a healthy old dog, that he had worked over him for three weeks.

The WITNESS. Yes, sir.

Q. (By GOV. BUTLER). Do you know whether Morrison was a student at Harvard? A. He claimed he was, sir.

Q. Did he offer to pay for it? A. Yes, sir.

Q. Did you take the money? A. No, sir.

Q. Did he want you to tan any more? A. He said probably in the year following he would have what he called a trunk, and he wanted me to tan it.

Q. A trunk? A. Yes, sir; he meant the body, I suppose.

Q. Well, sir, we can't exactly tell now, after the tanning, — it has some pretty strong signs, — but before it was tanned, was there any doubt this was the body of a negro? A. It looked very much like it, sir; the arm and fingers were all there.

Q. That is, the skin of the arm? A. The skin of the arm and the skin of the breast; two other small pieces that I could not tell exactly where they came from.

Q. Ever tan any other ones? A. No, sir.

Q. Before? A. No, sir.

Q. Do you know whether that is another piece of human skin? [Handing witness a specimen.] A. I should think it was, sir; a piece of it.

Q. Any doubt of it? A. No doubt of it in my mind.

Q. That is a little thinner than this. [Comparing the two pieces.] A. Yes, sir.

Q. That might be, and yet come from the same one? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. You don't know anything about whether that is the piece of the skin which you tanned, do you? A. Which piece, sir?

Q. That large piece. [The first piece produced.] A. Yes, sir.

Q. You do know it? A. Yes, sir.

Q. How do you know it? A. By the marks there are on it.

Q. Has it been in your possession ever since? A. No, sir; but I remember perfectly well of giving it to Mr. Bancroft.

Q. You remember of giving it to Mr. Bancroft? A. Yes, sir.

Q. He gave it to the gentleman who was in here before you? A. Yes, sir; I suppose he did.

Q. That is all you know about it? A. Yes, sir.

Q. You don't know whether the skin came from Harvard? A. Mr. Morrison, the gentleman that brought it to me, said it did.

Q. You never saw him before? A. No, sir.

Q. And you have never seen him since? A. I have never seen him since I delivered him the skin; no, sir.

Q. How long was that after you received it? A. Somewhere about three months; a little over three months.

Q. You say you didn't take any pay for it; why not? A. He stated it had made trouble for him; it had leaked out what was going on, and had made trouble for him in the college. I said I didn't want any pay for my trouble, if it made trouble for him; my pay was nothing.

Q. And that he said to you before you tanned it? A. No, sir; afterwards, when he came for it.

Q. When he came to deliver it you made no objection to tanning it, except as you have stated; but when he came after it, and offered to pay you, then you declined to receive anything? A. Yes, sir.

Q. You in business for yourself? A. No, sir.

Q. For whom were you in business? A. E. Cummings & Co.

Q. So you did this work on your employers' time, with your employers' material, and didn't charge anything for it? A. Yes, sir.

Q. (By the CHAIRMAN.) Did you understand Mr. Morrison to be a student in the medical college? A. Yes, sir.

Mr. BROWN. Now, Mr. Chairman, I want that piece of skin preserved with considerable care, if the chair has no objection to taking possession of it.

Gov. BUTLER. I will take care of it, if that is all you want: I will be very careful of it.

Mr. BROWN. Have you any objection to letting me have a piece of it?

Gov. BUTLER. How large a piece do you want?

Mr. BROWN. A small portion, the bigness of a cent.

Gov. BUTLER. Certainly not.

The CHAIRMAN. Do you wish to put the other piece that you have there into the case?

Gov. BUTLER. Oh, certainly, sir; I will.

The CHAIRMAN. Will you put it in an envelope?

Gov. BUTLER. I have it in an envelope; I have preserved it very carefully. I shall want it returned to me after the investigation is over.

The CHAIRMAN. Yes, sir, you shall have it, all of it.

FRANK BARKER (*recalled*).

Direct examination by Gov. Butler.

Q. There was one subject which I meant to have asked you about which another witness testified something about, — about a woman who had the habit of tearing her clothes, Margaret, — I have forgotten her name, — she was in your ward: do you remember that woman? A. Yes, sir.

Q. Do you remember what her other name was? A. I do not.

Q. Did she come into your ward while you were there, or did you find her there? A. I think she came in when we first went there from the almshouse side. I won't be positive about the time.

Q. Did she have a habit of tearing her clothes? A. No, sir: she had a habit of eating them, eating this part around here. [Pointing to his breast.]

Q. Did you put her in a cell? A. Yes, sir.

Q. How was that cell ventilated? A. The only ventilation it had was through a window, and there was a blind to that on the inside, locked: then, over the front part, or the side that faced the dormitory, was a few pieces of slat nailed up and

down; what little air came from that way came from the dormitory.

Q. And was this a tight blind or shutter? A. Yes, sir.

Q. A tight shutter? A. Yes, sir; they would not allow that open, they ordered it shut and locked, so as to give us no ventilation in there at all.

Q. Now, sir, what attention did Dr. Lathrop pay her? A. Didn't pay her any; I don't think he went up there but once from July till October.

Q. Was she attacked with any diseases while she was up there? A. Well, sir; she became so weak and exhausted, poor, that she would sit on the floor all the time, for the very reason she had nothing else in there to sit on; and her limbs became sore, — swollen very badly. Mrs. Barker and I thought that it was dropsy; of course we didn't know; that is what we thought it was. I called his attention to it and I called Capt. Marsh's attention to it, and Tom and Mrs. Marsh; and the Captain said it was Dr. Lathrop's patient, and if he didn't attend to it, let her die. I spoke to him right out on the front steps of that insane building, the part we were in.

Q. Did Dr. Lathrop pay any attention to her, — you say he didn't all this time, — give her any medicine? A. No, sir; never ordered any.

Q. Where did he say he would send her if he sent her out of that? A. I don't know as he told me where he would send her. I think perhaps he did Mrs. Barker; I think perhaps she would know more about that than I. I don't know that he said. But along in the fall of the year, along the last of September, I think it was, that we took her out of the cell occasionally and put her in the dormitory where it was warm. There was no way to heat the cell only from the large dormitory; and Mrs. Barker commenced rubbing that woman with oil — sweet oil. Finally she got a little better, and she was sitting right out there where Dr. Lathrop, if he had passed, could not help seeing her. He wanted to know, "Hello, who is this?" he says. Mrs. Barker told him. Well, he said he guessed she would get well; and he couldn't help seeing her there once in a while when he passed through the building, which was seldom. Finally Mr. Wrightington, I think, came out and said he wanted to take her away, and just as soon as she was able she went away, crippled up; could not walk.

Q. Mr. Wrightington, — he was the inspector? A. Transportation agent, I suppose; I don't know.

Q. They call him by a different title; and did you make any complaint to Mr. Wrightington? A. I did not; no, sir.

Q. Do you know who did? A. I don't know that; no, sir. I suppose it was a list, and he happened to find it on his books and he sent for her.

Q. While she was in the cell, you say, you told Tom Marsh? A. Yes, sir.

Q. What did he say? A. He didn't say nothing; made no reply at all.

Q. I want to know about another case of an insane person, if you remember, in the insane department, that Captain Marsh ordered handcuffed. A. Yes, sir.

Q. State that case. A. Well, there was a patient the Captain sent for me to come over to the office to get. I went over to get her, and she went over with me, and he ordered her put into the cell. We put her into the cell, and at the end of two days, — she didn't eat anything during the time, and I told him. He says, "Let her be there till she behaves herself, whether she eats or not."

Q. She was clearly an insane woman? A. No, sir, she was not insane, not as far as I know anything about them. And then we had a man —

Q. Wait a moment, about that woman: I want to trace her a little farther. You found her in the office, you say? A. Yes, sir; she was sitting in the front office, or the first office as you go into the building, there where the library is.

Q. And were you sent for? A. Yes, sir.

Q. And you went over there? A. Yes, sir.

Q. What was she doing when you got there? A. She was doing nothing; nothing, well she was sitting there sort of carrying on.

Q. Sort of crying? A. Yes, sir.

Q. Making any loud yelling, or only sobbing? A. No, sir; only sobbing.

Q. And Captain Marsh told you to do what with her? A. Take her over and lock her up.

Q. How soon after you locked her up did you report to Captain Marsh about her? A. I didn't report to him till two days. At the end of two days she would not eat anything, and I thought that was long enough for her to go without eating,

and I told him about it. He said, "Let her stay there till she behaves herself."

Q. Did you tell him she hadn't eaten anything? A. Yes, sir.

Q. How long did she stay there? A. She staid there four days; Tom came and let her out.

Q. Four days without eating? A. The last day she eat a very little.

Q. Now, I will come to the case of a man that they handcuffed. A. We had an insane man that was. Well, he was pretty ugly, but he never gave us much of any trouble; but one day a Mr. French, an attendant or supervisor in the other part of the insane building, came in, and when he went to go away this gentleman followed him out to the foot of the steps, and I followed them out and says, "Now you come back into the house." He said he would not. Mr. French and I took hold of him to put him back in, and he was pretty withy, pretty ugly. The Captain, I believe, was sitting in his office. However, he came over, and a Mr. Eliot, too, who was night watchman at that time, and he says, "Put the handcuffs on him and handcuff him behind," and we did. And we let go of him and let him walk into the house, and he walked up in the entry way and he put his handcuffs front of him.

Q. How did he do that? A. He put his feet right back: and the Captain says, "Put him up into the cell," and we put him up in there, and he was there seven days. And after a while, they sent him away, Mr. Wrightington did: I don't know why.

Q. What was his treatment up there during that time? A. The first two days he would eat nothing, hardly, and afterwards he eat a little bread and water.

Q. Did he have anything but bread and water to eat? A. No, sir; that was our orders, to give them bread and water when we had them confined in the cells.

Q. He was kept there in close confinement seven days? A. Yes, sir.

Q. Clearly insane? A. Yes, sir; he was an insane man.

Q. How did he manifest it? A. By his ugliness, and his peculiarities.

Q. How long had he been in the insane hospital to your knowledge before this? A. I don't know, sir; he was in there when I went there.

Q. How long was this after you went there? A. Oh, it was about two months, I should think; it was warm weather; we had the front doors all open.

Q. Did he attempt any violence upon Mr. French as Mr. French was going out? A. No, sir.

Q. Simply followed him out? A. Followed him out.

Q. I want to ask you about the case of a man by the name of Collins. John Collins, I think. A. John Collins, yes, sir; I remember him well.

Q. Was he an insane man? A. Yes, sir; he was a man that used to be at times very noisy; he used to chew his coat some and holler.

Q. Used to what? A. Chew his coat; he used to put his coat in his mouth and chew on it.

Q. And then holler? A. Then holler. Then we used to put him in the cell, — I don't know as you would call it a cell, it was a lockup there in the top of the building. We put him up there, and he hadn't been there long before Mr. Thomas Marsh came over and wanted to know "what in hell" the trouble was. I said: "We have got John Collins up there in the cell, and he is very noisy." Well, says he, "Hell! Choke him," he says, "till he stops it." He staid there during that day and the next night, and the next morning Dr. Lathrop came over and he says "That man up there is very noisy, kept my wife awake all night." I says, "Yes." He told me to give him medicine, "dose him with medicine, and if he didn't stop it, then choke him till he does stop it."

Q. What was the medicine? A. I don't know; he called it bromide.

Q. Now, I want to come to the case of Mr. French, of the man that was tied to a post. A. Well, sir, this Mr. French —

Q. Which French was it? A. I am sorry to say he is dead and gone, — Mr. Emmons French. He was in one half of the insane building at the same time I was, and we had a basement where they had these posts, these pillars, iron pillars, posts, whatever you call them; and he took and tied the patient, put the muffs on this patient, confined the hands and strapped them around behind, and he took and stood that patient up beside that post, tied that patient there, and kept it tied a day.

Q. Kept her tied? A. Kept her tied all day to the post without anything to eat.

Q. How many hours? A. Well, it was from the morning till night.

Q. You say it was a woman? A. Yes, sir.

Q. And how old a woman was she? A. I should think forty-five; a large, stout woman.

Q. And do you know what it was done for, or alleged to be done for? A. I don't know, I never asked him; she was hollering there all day long.

Q. Was this post so situated that her making noise all day long would disturb people as much as anywhere? A. No, sir; it was in the basement.

Q. And how did he confine her hands, as you say? A. With a muff for straps to go around each wrist, or something similar to a muff; and they have a strap that goes through that on the inside and confines their hands in front of them, and the strap goes around and buckles.

Q. And she was fastened to the post? A. This strap was put right around the post, just as if it was right around this chair, this way. [Illustrating.]

Q. Simply around the post, or a turn around the post? A. No, sir; no turn, simply around the post; she could walk around the post, slew around.

Q. And could she sit down? A. No, sir; she could squat down a little.

Q. But she could not sit down? A. No, sir.

Q. She was clearly a case of insanity — she was an insane woman? A. She was in the insane building; yes, sir, I suppose she was.

Q. Do you know any cases, any instances where insane women cried for want of clothes to keep them warm. A. Yes, sir.

Q. More than one? A. Yes, sir; I would think perhaps fifteen or twenty; I should think by the sound there was a hundred. In that part of the insane building that joined our part, in the upper dormitory, there was an iron door that let through from our dormitory into the other part, and our inmates complained that the inmates in that part was very noisy; and they rapped on the door one night about nine o'clock, and I went up there, and they says, "Did you hear that noise?" I went in with a key I had to that door and unlocked it, and the patients in that dormitory were up around hollering and hooting. I says,

"What is the trouble?" They says, "We haven't got clothes enough to keep us warm."

Q. What sort of a night was it as to being cold or warm? A. It was the first part of the fall, in October. The next day I spoke to Mr. French, and says, "Your patients are very noisy in there." He said he had changed some of them into the single rooms down stairs. He didn't, and they kept on making a noise and I spoke to Captain Marsh about it, and he said he guessed they had clothes enough; whether they got any more or not, I don't know.

Q. Did they keep on after that? A. They did for some time; didn't pay an attention to it.

Q. Did you see anything about the clothes, how much they had? A. When Mr. Dudley went in that room I saw a half a blanket and the beds were in a bad condition, about every one of them.

Q. Mr. Dudley was the man that succeeded Mr. French; he described that. A. Yes, sir; he was in there after Mr. French.

Q. I want to call your attention to Dr. Lathrop and a certain woman he did something to; won't you describe that case? A. I don't know who you have reference to — Charlotte Anderson?

Q. I don't know who she was. A. There was quite a number he didn't pay any attention to, — I don't think he paid any attention to any of them there, — but this woman, Charlotte Anderson, I remember she was confined there; she was taken sick with what we thought a fever, and after one or two days we called his attention to her, and he looked at her but he never left any prescription, never ordered any medicine, never said anything, but looked at the pictures on the wall and walked out. I think Mrs. Barker will tell you more about that than I; I think she has that case fresh in her mind.

Q. Was that Charlotte Anderson the woman Mrs. Pope testified to who was got with child there at the institution and had one? A. Yes, sir.

Q. Was that the time she had the child? A. That was after the child died, some time; perhaps three or four months, I don't remember how long.

Q. That you are talking about? A. Yes, sir.

Q. You knew about this Anderson woman? A. Yes, sir.

Q. She had a child there? A. Yes, sir.

Q. She was an insane woman? A. Yes, sir.

Q. I don't know whether this was the woman I am asking about, but I am asking about a woman that somebody thought that Dr. Lathrop used very roughly, — an insane woman. A. I don't know of any insane woman, but I know of a woman over to the hospital that he sent over for me to come over and get and take to the insane building and lock up. And I found that she would not go with me, and, finally, Dr. Lathrop and Dr. Foster, I think it was, and myself took her over to the insane building, and we had to take her up two or three flights of stairs to get her into her cell, and she concluded she would be lugged up. So, in doing it, he sort of helped her along with the toe of his boot, up a piece, and then we took her and put her into the cell.

Mr. Mellen. Who was it helped her?

Gov. Butler. Dr. Lathrop.

Q. By helping her with the toe of his boot, do you mean to say by that that he kicked her? A. Yes, sir.

Q. Heavily? A. Well, I should not want him to kick me; should not allow him to, anyhow.

Q. How old was this woman? A. I should think she was about forty years old.

Q. You say she went out to Dr. Lathrop's office? A. No, sir; he sent for me and I went over to the hospital; he sent for me to come over to the female hospital where she was.

Q. The female hospital? A. Yes, sir.

Q. Why didn't they take care of her there rather than send her to the insane ward? A. I supposed always, what Mr. Marsh told me, that they never more than half did their work over there, and they wanted to get rid her, and so they sent her over to us; they didn't like us very well at the hospital.

Q. Who were the McKennon girls, who were they? A. Nurses in the hospital, in the female hospital; there were three of them, I believe, there at one time.

Q. How old were they? A. I should think, — I guess one of them called herself seventeen. I should think by her actions she was about ten.

Q. How old was the oldest? A. I don't know; I did know, but I should judge she was about thirty, perhaps, now.

Q. Did you ever have occasion to see Tom Marsh and those girls together in the hospital up there? A. Once I did; yes, sir.

Q About what time, day or night? A. Somewhere about eleven o'clock in the evening.

Q. What were they doing? A. They were having a good time up in the room; I don't know as they were doing any particular thing.

Q. Was his wife at home then? A. I could not say, sir.

Q. Did you ever know anything about the McGrath girl that was sent away to Bridgewater? A. I don't remember any such case.

Q. Do you remember, Tim, as they called him, Tim Gallagher, or something of that kind? A. I remember Tim; I don't know his last name.

Q. And the girl he was supposed to— A. Yes; I have heard all about it.

Q. That was done before you saw him, I suppose, or was it done while you were there? A. While I was there.

Q. He was sent away, was he? A. Yes, sir.

Gov. Butler. I will come to that when I get some more evidence.

Q. I want a description of a meeting of the trustees and their examination of the institution; what would be done? A. Meeting of the trustees? I don't know, sir, as I understand

Q. The trustees would come there and what would they do sometimes? A. I don't know what they done; it was told me they came to examine the bills. I never saw them when they was in session.

Q. Did they ever make any inspection? A. Sometimes they would go through the insane building.

Q. How often did they go through the insane building? A. They met there once a month; sometimes they would go through and sometimes they wouldn't.

Q. About how often were there occasions when they would come to the office and go no farther? A. I have seen them, I don't know — they always went into the office whenever I saw them; sometimes wouldn't stay a great while.

Q. Stay long enough to get dinner. A. I understood they came there to get a good dinner and go home.

Q. Who did you understand that from? A. One of the trustees.

Q. Which one? A. Well, he was trustee at that time; his name is Daniel P. Phipps, clerk of the board of overseers of Salem. He told me Captain Marsh said to him what was his duties there, when he was first elected. He said he didn't know,

he supposed he had got it to learn. He said, "Your duty is to come here once a month and get a good dinner and go home."

Q. When did Mr. Phipps, the trustee, tell you that? A. He told me that inside of a week, I think.

Q. That after he was appointed trustee he asked Captain Marsh what his duty was? A. No, sir; Marsh asked him if he knew what his duty was, — asked Phipps if he knew what his duty was.

Q. And Phipps told him no; he would like to know? A. He said he didn't know as he did. He supposed he had got that to learn. He said it was to come there once a month, get a good dinner, and go home.

Cross-examination by Mr. Brown.

Q. I want you, now, to give me the names of these persons, men and women, whom you have spoken of as being abused by the officers of this institution? A. I don't remember the names.

Q. Can't you give the names of any of them? A. I can give you the name of that one in the cell. Her name was Kate.

Q. Kate what? A. I mean Margaret.

Q. Margaret what? A. I don't remember her other name. She was our patient, but we had so many names we could not carry these names all in our mind.

Q. And was this you speak of with reference to Margaret? A. It was in the summer of 1876, I think — 1876.

Q, Can you give the names of any others? A. The name?

Q. Yes. A. No, sir; I don't know as I know the names; the woman I saw tied to the post, I don't know; she was not my patient; probably I knew at the time, but I don't now remember these names.

Q. Did you report any of these cases, at the time they occurred, to any officer? A. Yes, sir.

Q. To whom? A. I reported to Captain Marsh, Dr. Lathrop, Tom Marsh and Mrs. Marsh.

Q. All of them? A. Yes, sir.

Q. And each one was reported to all, was it? A. No, sir; not each one as I know of particularly.

Q. Is there any one of them that you did not report? A. I don't remember about that; I don't know as I reported all of them, but I know some of them I did report.

Q. And what was your report? A. Report?

Q. Yes. A. I reported the woman in the cell to Dr. Lathrop, and about the condition of her to Captain Marsh. He said she was Dr. Lathrop's patient, and if he wanted to let her die, let her die — Words amounting to just the same thing. I don't know as it was just those words.

Q. What was the name of that patient? A. Margaret; the other name I don't remember; I should be very glad if I could tell you.

Q. I have no doubt of it. Now, can you tell me any report you made with regard to any other one of them? A. I reported about the people in the insane building not being properly clad at night in bed; not properly clothed.

Q. To whom did you report that? A. Capt. Marsh.

Q. That was in October? A. That was in October.

Q. What year? A. 1876.

Q. Now, this person who was up in the upper part of the building that you spoke of, who you say, made so much noise, — do you know the name of that person? A. John Collins.

Q. Wasn't there another one you spoke of who made a great deal of noise? A. I don't know as there was.

Q. Were you ever employed in any of the public institutions in Boston? A. No, sir.

Q. Never at any time? A. No, sir.

Q. Ever employed at any time at the Charles Street jail in any capacity? A. No, sir.

Q. Did you ever report any of these cases to any of the trustees? A. No, sir.

Q. Why didn't you give us this what you have given us to-day when you were first upon the stand the other day? A. The other day His Excellency told me he was through with me at that time, and I got up and went off.

Q. When did you inform His Excellency that you had something more? A. Never informed him at all.

Q. When did you inform anybody? A. I didn't inform them, not that I had that.

Q. When did you communicate to any person what you have said here to-day, by means of which communication it came to the governor? A. When?

Q. Yes, sir. A. Last Saturday, I think.

Q. Who? A. I don't know his name, sir.

Q. Where? A. I have heard it, — Salem.

Q, Whereabouts in Salem? A. At the city hall.

Q. Some official there? A. No, sir; not belonging in Salem.

Q. Anybody that you have seen here? A. I have seen him here; yes, sir.

Q. Whiskers over his face? A. I should say there was.

Q. A gentleman engaged with Mr. Innis in preparing this case, isn't he? A. I don't know what he was doing with Mr. Innis.

Q. Was his name Seaver? A. I think that was his name.

(By the CHAIRMAN.) You said the woman that was confined didn't eat for three days, I understood you? A. Yes, sir.

Q. Did she have anything offered to her to eat? A. Yes, sir; we carried it to her three times a day.

Q. The man you say that was confined and didn't eat; did he have anything offered him? A. Yes, sir; the grub was always carried to them, bread and water, as we had orders to.

Q. Now, I will ask you why you didn't testify to these same things before? A. I said my reason; His Excellency told me he was through with me that day and I got up and went off.

Q. You understood you were sworn to tell the whole truth? A. Yes, sir.

Q. (By Mr. MURPHY.) You were not asked anything concerning this matter you have testified to to-day the other day that you were on the stand? A. No, sir.

Q. That is the reason you didn't testify? A. Yes, sir; and perhaps there is more to be testified before you get through.

Q. Suppose you give us that more. A. Oh, no; I am in no hurry about it.

Adjourned to Tuesday morning, April 17, at 9 o'clock.

ELEVENTH HEARING.

TUESDAY, April 17.

The committee met in the Green Room at 9 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. A quorum of the committee is present, and we are ready to proceed.

TESTIMONY OF ABBIE BARKER (*sworn*).

Direct examination by Gov. Butler.

Q. What is your name, Mrs. Barker? A. Abbie Barker.

Q. You are the wife of Mr. Frank Barker, who has been here? A. Yes, sir.

Q. When did you go to Tewksbury? A. In 1876, in June, I think.

Q. How long did you stay there? A. We remained there a little over three years, until July, I think, in 1879.

Q. What was your business? A. I had charge of the female ward of the insane.

Q. About how many should you say were in that ward? A. There were seventy-four some of the time. They were reduced in numbers some after that. There was usually about sixty.

Q. How often did Dr. Lathrop use to visit that insane ward? A. Perhaps once in two weeks.

Q. You mean that was the average? A. That was the average.

Q. Any time when the want of his visit extended over that time? A. Yes, sir, I think there have been times when he has not been there for three weeks.

Q. Sometimes it would be the duty, I suppose, of the other doctors to visit, taking their turn, if they took turns. A. He had charge, Dr. Lathrop did, when I first went there, — well, I think, I could not say the number of months, — I think it was three months; and then they changed about after that, and sometimes we had Dr. Foster, I think.

Q. Then Dr. somebody-else, and then Dr. Lathrop's turn would come, I suppose? A. Yes, sir. I could not say about that, but he was there the first year, I think, that I went there.

Q. If your patient was sick otherwise than being insane, where would they be sent to? A. To the hospital. We were not supposed to have any sick ones there. They had nothing for them; no diet, or anything of that kind.

Q. I want to call your attention to the case of Charlotte Anderson — whether she was an insane person? A. She was.

Q. What was the phase of her insanity? How did she manifest it? A. Well, she was violent when I first went there. She would often throw things at you.

Q. What happened to her? A. She gave birth to a child while I was there.

Q. Whether she was sick in the ward? A. Yes, sir.

Q. How long? A. She was sick there two weeks. She was sick there and sent to the hospital for the first time, and her child was born. Then after that she was transferred to the foundling hospital with her child.

Q. And then she was taken sick there? A. Not quite. Her mind came back to her somewhat — if you will allow me to explain — her mind came back to her somewhat after her child was born, so that she was able to go to the foundlings with her child, and take care of it, and was of some use there herself. And I could not say, but I think her child was six months old when she was taken sick; began to show some symptoms of the same complaint — insanity — and was sick.

Q. Well, how sick? A. Well, she was sent up to my ward.

Q. Well, how considerably sick, I mean; I don't know what the disease was, and don't care. A. Well, she grew very sick when she first came in. She had seasons of despondency, and they were afraid to have her there. They took the child away from her.

Q. During her sickness, was Dr. Lathrop sent for? A. Yes, sir.

Q. By whom? A. By myself. I sent Mr. Barker, my husband.

Q. Did he come? A. Yes, sir, he came; when we sent for him he came.

Q. Did you send for him at any time when he did not come? A. Yes, sir.

Q. How many times? A. Oh, several times.

Q. And afterwards he did come? A. I sent word to him, at last, that she was very sick, — that I thought she was very sick; and he came; and he found her very sick; and he said: "Send her to the hospital." We immediately sent her to the hospital.

Q. How soon after did she die? A. I think it was a week. I would not say justly; but a short time.

Q. Did you have a patient there by the name of Kate, who had the pneumonia? A. I had a patient by the name of Ann, I think.

Q. Ann; who had the pneumonia. Do you remember about her? A. Yes, sir. He came around on one of his regular visits, and I called his attention to this woman, and told him I thought she was very sick; showing symptoms, as I thought, of being very sick. He looked at her, but he did not prescribe for her; didn't make any talk about her; didn't order me to send her to the hospital.

Q. How long had she been sick then? A. Two days, I think.

Q. Did she die? A. She did, sir.

Q. How soon? A. Well, perhaps four or five days from that, I sent for him to call on her again, and he came, and sent her to the hospital.

Q. Yes. And then how long after she was sent to the hospital before she died? A. She died that night.

Q. Do you remember a woman by the name of Margaret, who was there when you were there, who had to have her hands tied because she tore her clothes? A. Yes, sir; I don't remember her last name.

Q. Did you make any contrivance, or muffle her, — whatever you call it, — to prevent her tearing her clothes, by covering her hands? A. Yes, sir; we had restraints for her hands. She would tear her clothing; and she would bite her clothing about as much as she would tear it; and she would run away, and do all those things. We had something to confine her hands with, and also her feet.

Q. Did she require to be put in a cell? A. What?

Q. Was she afterward put in a cell? A. Yes, sir.

Q. Where was that cell? A. It was in the top of the building, on the fourth story, I think.

Q. How was that ventilated? A. By a window.

Q. Had that window a shutter? A. Yes, sir; a wooden shutter on the inside.

Q. Was that kept locked? A. It was ordered locked.

Q. Ordered locked? A. Yes, sir.

Q. How long was she kept there? A. Well, she went in, I think, some time in July, and stayed there until the first of October.

Q. Who ordered the window locked? A. I could not say, but some one sent the order. Some one said she was at the window exposing her person at the window.

Q. Well, then, locking that window — A. Cut the ventilation off.

Q. And what time in the year was this? A. It was the —in October when she came out.

Q. What time was this when she was shut up in the cell? A. In July.

Q. Had she anything to sit on, or to lie on in this cell? A. Yes, sir.

Q. What? A. She had a bed.

Q. Whether her feet and legs — anything became the trouble with them? A. Yes, sir. After she was there some little time her feet and legs commenced to swell, and were swollen quite badly.

Q. Was Dr. Lathrop's attention called to that? A. Yes, sir; it was.

Q. Did he direct anything to be done, or did he do anything? A. He did not. He did not consider it anything serious.

Q. Then did you do anything on your own account? A. After her sickness she was given to us. I could take her out and manage her. She was quite helpless; she was not so violent. Then I commenced — she was quite decrepit in some of her limbs, and she could not use them. I commenced to take her out into the corridor of the dormitory, and used to rub her joints with oil and such things.

Q. Now during all this time, did Dr. Lathrop attend upon her at all? A. Only as I told you. I called his attention to her sometimes. I would tell him that Margaret was very bad, and I had her in the cell and I didn't know but she was going to be decrepit, and her joints useless; and he did not seem to know whom I was talking about. He would ask over again. "Margaret?" And I would say, "Yes, sir; don't you remember that woman I put in the cell some time ago?"

Q. Well, did you complain to Mr. Marsh that you did not think the doctor was doing his duty by her? A. I did, sir.

Q. And did you complain to him that the doctor was not doing his duty generally to his patients? A. I did, sir; quite a number of times.

Q. Did that seem to make any odds? A. I don't know that it did. Tom said he did not amount to much, anyway.

Q. What? A. Tom said he did not amount to much, anyway.

Q. Which didn't, the visits or the doctor? A. He said that the doctor didn't.

Q. Now when you sent sick patients to the hospital from the insane ward, after they were treated there, and well, they came back again? A. Yes, sir.

Q. How would they be dressed? — when you sent them away, I mean. Whether they would have sufficient dresses, such as good flannels? A. Yes, sir; they had flannels. The insane had flannels, and I think in the poor department, on the poor side they had not. It was through Dr. Lathrop, I think, that we had flannels for the insane. And I used to send them there with the flannels on.

Q. When they came back, how did they come? A. They came back without their flannels often: in most cases.

Q. Well at times; in addition to their flannels, would they have skirts and dresses? A. They would have loose skirts on, and they would have dresses. We usually left the skirts and dresses if they were able to sit up; if not, we brought them home.

Q. When they came back how much would they be deprived of dress? A. Well, they would have no flannels on, usually; they would have only one skirt on, and they would have — I would send them over with woollen hose on and when they came back they would have cotton, very poor ones; and they would be old ladies.

Q. What? A. They would be old ladies often; and I reported to Capt. Marsh and told him I did not think my patients were bettered any by sending them over to the hospital, when they came back, perhaps in cold weather, destitute of their clothing. I also reported it to Mrs. Marsh.

Q When they were in your department did you keep them clean? A. I did, sir, as well as I could.

Q. Well, now, when they had been over to the hospital and

come back, how would they come back, as to being clean? A. Well, I could not say but what their person was clean, except sometimes their heads would not be clean.

Q. Well, what was the matter? Do you mean vermin in the head? A. I mean vermin in the head, sir; yes, sir.

Q. Did you make complaint to Dr. Lathrop about this? A. I did, sir.

Q. Did it still continue? A. It still continued while I remained there.

Q. Did you tell Mrs. Marsh about it? A. Yes, sir, I did.

Q. What was her reply? A. She said they were lazy over there; didn't think it was right.

Q. Who had charge of the hospital at that time? A. Dr. Lathrop, I think.

Q. Yes; but who were the nurses at that time? A. Oh, there was — well, the head nurse was Miss McKenna; and she had a sister.

Q. And who was the third? A. I don't remember her name.

Q. Well, were there three sisters there at one time? A. There were at one time three sisters there.

Q. Was that the time that Mrs. Marsh said they were lazy over there? A. Yes, I think it was.

Q. Were these nurses pretty intimate with the Marsh family? A. They seemed to be their favorites.

Q. Well, what evidence have you of that? A. Well, they would get all the favors. If we reported anything, they did not seem to take any notice of it, because it was them.

Q. If you reported them for doing anything? A. They did not take any notice as they would of any other nurse there.

Q. Well, were they associated with them? Anybody walk with them? A. Yes, sir.

Q. Well, who? A. Well, I have seen Tom Marsh walk with them.

Q. I mean walking out away from the house? A. I have seen them outside the gate, walking.

Q. Now, about bathing; where did you bathe? How were your patients bathed? A. Well, they were bathed in what we called a "pond." I think it has been described.

Q. The pond described here? A. Yes, sir.

Q. Yours were all women, if I understand? A. Yes, sir.

Q. How many would be bathed in that pond without change of water? A. Well, we bathed our number — 74; 70 or 74.

Q. As the case might be? A. Yes, sir.

Q. And this would be — had any of these patients skin diseases — eruptions? A. Well, they might have had. They were not very bad. That is — I am not a judge of diseases.

Q. Well, why didn't you change this water? A. Well, that was the water given me to bathe in that day. I was told that was the water I was to have to bathe my patients in.

Q. For that day? A. Yes, sir. And I did the best I could with it.

Q. How long did that continue? A. I think the next year — the next summer — we had bathing-tubs set. Some five, I think, was the number.

Q. The next year. Then this method of bathing went on for a year? A. After we went there; yes, sir. I think it was in the next year we had the change.

Q. Do you know where the water came from that was supplied to that establishment? A. Well, it was — No, sir; I could not tell you.

Q. Do you know whether they pumped it with a steam-pump? A. I think they did.

Q. Pumped it from a brook down below? A. Yes, sir; I suppose so.

Q. I suppose there will be no doubt about that. Do you know of a woman called Barron — the Barron woman? A. Yes, sir; I have seen her.

Q. Do you know about her being shut up in a cell? A. I saw her in the cell some time.

Q. How long was she confined there? A. I could not say how long.

Q. About how long? How long do you know she was there? A. I don't know how long she was there.

Q. Was it some time? A. She was there some time. My attention was called to her afterwards. I think I saw her once before Mr. Dudley's folks went into that part of the building; and after they went in there they called my attention to her and I went to see her.

Q. That was in the part of the building — in the other ward? A. Yes, sir.

Q. Well, what accommodations were there for that woman so shut up in that cell; anything? A. I did not see anything.

Q. Was there a bucket there, even? A. No, sir.

Q. What? A. No, sir.

Q. Had she any clothing? A. No, sir; she had not on much of anything when I saw her.

Q. Did you see her afterwards let out? A. I saw her, sir, when she came down to what they call the sitting-room. They took her out of the cell and took her down after feeding her awhile.

Q. How large was she when she was up in the cell? A. She was very poor and thin.

Q. Afterwards, was she — after being fed? A. She was very much changed.

Q. Was she harmless then, and quiet? A. Yes, sir; perfectly harmless.

Q. Now, when you were there, who had been your predecessors in that department? A. Mr. Bradford, I think.

Q. Who had been the predecessors in the other department, where Mr. Dudley was? — Oh, we know that without asking the question. Now, how did you find this place when you and Mr. Barker went into it? A. I found my ward in very good condition.

Q. How was the other ward? A. Mr. Barker's ward was in a poor condition.

Q. What do you mean by poor? A. Well, the inmates were neglected. They were dirty, with vermin on them, and their beds were in a bad condition. They looked as if they had not been changed for a long time. They were destitute of bedclothes and such as that.

Q. Well, they were straw beds, of course? A. Yes, sir.

Q. Whether the straw was all worn up? A. Yes, sir.

Q. And filthy at that? A. Some of the beds were.

Q. How considerably were those insane patients covered with vermin? A. Well, there were some number that was very bad. I think there was one in particular that had sores, I supposed, caused by the vermin being so numerous on her.

Q. That is, by the eating of the vermin? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. I do not understand you, Mrs. Barker, as to when you went there. What was the date of your going to the almshouse? A. I think it was June 9.

Q. What year? A. 1876.

Q. And how long did you remain there? A. Until 1879.

Q. What time in 1879? A. Well, I think it was the last part of July.

Q. Then you were there about three years? A. Yes, a little over three years.

Q. Now, when you first went there, what did you do? Did you go directly in charge of one of the wards of the insane hospital? A. Insane hospital? Well, yes, sir; insane ward; yes, I did.

Q. Now, was there any other person there? You were one of the nurses or attendants? A. I was an attendant. I had charge of the house and the inmates.

Q. And you had some seventy-four, you say, under your care? A. Yes, sir.

Q. Now, was there anybody else there to assist you in the care of that number of inmates? A. No hired help.

Q. What other help had you? A. Well, I had an old lady — a middle-aged lady.

Q. Who was she? A. Her name was Mrs. Finnegan.

Q. Was she a patient? A. Yes, sir, she was, and had been for a long time.

Q. But she was in a condition so that in your judgment she was able to do something? A. She was required to do something.

Q. Well, in your judgment was she able to do something? A. Yes, sir.

Q. And you employed her — that is, you directed her what to do? A. I gave her directions.

Q. And she did whatever you directed? A. Yes, sir.

Q. Now, with the exception of Mrs. Finnegan, did you have anybody to assist you in the care of these seventy-four patients? A. I did not.

Q. Where was this bath-room that you have referred to? A. Well, it is in the basement of the building.

Q. Now, have you told the committee all the appliances that existed in the basement of that building for the purpose of bathing? A. Why, all that I have been asked to tell.

Q. Well, now just tell us what you have not been asked. If you know anything that was there that you have not told about, tell the committee about it. A. I don't know of anything that is there that I have not told about.

Q. Except this "pond"? A. Yes, sir; I think there was

one — I won't be sure — I think there was one bathing-tub, and it was for the officers.

Q. For the officers? A. Yes, sir.

Q. Well, who do you mean by the officers? A. Well, I called myself an officer.

Q. You had a bath-tub for yourself? A. That is what I was told it was for.

Q. Now, are you not a little mistaken? See if you cannot refresh your recollection. Wasn't there more than one single bath-tub? A. I told you I didn't recollect more than one.

Q. Now see if you don't recollect there were two. A. I don't. There might have been two.

Q. Well, might there not have been three? A. Yes, there might have been three; I didn't know of but one.

Q. Might there not have been four? A. Perhaps there might have been four there, but I didn't see but one.

Q. Now, were there not four at least? A. There were four there the second year I was there — four or five.

Q. Four or five the second year you were there? A. Yes, sir.

Q. Now, during the first year you were there, there were at least two or three besides the "pond," were there not? A. Two or three what?

Q. Small bathing-tubs? A. No, sir; there were not that year I was there. I told you there was one.

Q. One? A. Yes, sir.

Q. During the second and third years there were four or five. Am I right? A. Yes, sir; there were new bathing-tubs put in, I could not say whether four or five.

Q. Now let us stop right there for a moment. Now, madam, when you got four or five small bathing-tubs in that bathing-room, why did you continue to bathe this great number of people in the "pond?" A. I did not, sir.

Q. What did you do? A. Bathed them one at a time.

Q. Well, did the same condition of things exist in the male ward of the insane hospital? They had tubs at the same time they were put into the female department? A. I suppose they did, sir.

Q. That is to say, individual bath-tubs for one person were put in there at the same time they were put into the female ward? A. Yes, sir.

Q. And you recollect it? A. I recollect it, but I could not say they went in the same day or the same week.

Q. Well, if your husband — if you should be satisfied that your husband had testified that there were no small bathing-tubs in the male ward, it would not affect your recollection at all? A. No, sir, it would not. I am here to tell the truth.

Q. Have you and your husband compared notes about this thing a little? A. Well, we have been talking about this investigation, but I don't know as we have talked about any particular thing.

Q. You have been comparing your recollections? A. No, sir. I did not suppose I was to be called here, and I did not compare notes.

Q. Now, Mrs. Barker, won't you give me the name of one single person who had official connection with that almshouse while you were there, for three years, with whom you did not quarrel? A. Yes, sir, I can give you —

Q. Well, give me the name of a single person? A. A single person?

Q. Yes, one person —

Gov. Butler. Let her answer.

The Witness. I never quarreled with Mrs. Marsh.

Q. That is, Mrs. Thomas J. Marsh, Sr.? A. Yes, sir.

Q. Now, give me the name of another? A. Well, what do you call the matron, Mrs. Marsh?

Q Mrs. Thomas J. Marsh, Jr.? A. I don't mean Mrs. Thomas J. Marsh, Jr. I mean Mrs. Marsh the matron.

Q. You didn't quarrel with her? A. No, sir.

Q. Give me the name of another with whom you did not quarrel? A. Well, I didn't quarrel with Capt. Marsh.

Q. Well, there are two. Now give me the name of a third. A. I never quarrelled with Dr. Lathrop.

Q. Give us the name of a fourth? A. I never quarrelled with Charles Marsh. I had nothing to do with them. I never had any words with them. I don't call it quarrelling when I might report anything and they got angry about it — I don't call that quarrelling. I don't know that there was any quarrel.

Q. Now, can you give me the name of any other person with whom you did not quarrel? A. Well, I don't remember all the persons who were there at that time. It was three years ago.

Q. Well, you have, in other words, exhausted your recollec-

tion? A. No, I have not. There is Thomas Marsh, and there is Mrs. Marsh, and there is Dr. Lathrop —

Gov. Butler. Suppose you put the question the other way, and ask her who she has quarrelled with.

Mr. Brown. I am putting it my way. You just keep quiet.

The Witness. Of course you put a person as an attendant there with a lot of the same family, if you displease one, you displease them all. That was the way it was there.

Q. And so, as a result, you displeased a great many? A. Probably I did, but I didn't know it at the time.

Q. Well, now, can you remember any single month during your service at Tewksbury that you didn't have any quarrel with somebody? A. I never remember a quarrel at all at the hospital while I was there.

Q. Don't you recollect that some of the attendants there charged you with not taking proper care of your insane patients, and, in consequence, they had vermin? A. I never heard of t before; no, sir; and I never was accused of neglecting my patients.

Q. How many attendants in the hospital did you ever charge, while you were there, with neglecting their patients in such a way that they had vermin? A. I had reason to charge some of them, and for that reason I might have made enemies.

Q. Wait one moment. You had reason to charge some of them? A. Yes, sir.

Q. Now, who were there? A Well, the head nurse.

Q. What was her name? A. Her name was Miss McKenna.

Q. Do you recollect her full name? A. Her name was Elizabeth.

Q. Now give us the name of the next one you charged in that same way? A. There was the head nurse, and I don't know, I don't remember — she had a sister there by the same name, McKenna —

Q. And you charged her? A. If I charged one, I suppose I charged all.

Q. Why do you say if you charged one you presume you charged the whole? Was that your habit of making charges that way? — well, never mind.

Gov. Butler. Let us have the question answered.

The Witness. It was my habit to report these, because I always did — I had worked in other institutions, and when I

saw neglect it was my habit to report it to the committee or to the officers in charge. So when I went there I reported this case and do not know whether I got enemies or not, and did not care.

Q. Now, won't you be kind enough to answer my question, if you remember what it is? I will repeat it if you do not remember it. Do you remember? A. You asked me if I charged all of them when I charged one, I think. I said I don't know what you would call a charge. I would report if my inmates came back, perhaps, with vermin on them.

Q. That is, when they had been at the hospital? A. Yes, sir; and I let it go at that.

Q. That is, you charged that your inmates when they went to the hospital, after treatment, came back and would have vermin on them. A. Yes, sir.

Q. Now the same charge was made against you by the attendants at the hospital, was it not? A. I never heard of it.

Q. Are you certain about that? A. I am certain.

Q. Do you mean to say that you do not now recollect? A. I mean to say that I do not recollect any such thing.

Q. Well, now, let us see one moment. As an attendant it was your duty to see that the persons under your charge were properly bathed and their hair combed in the morning, was it not? A. Yes, sir; it was one of my duties.

Q. And it was your duty to do it yourself, was it not? A. I don't think I could go around and do that myself with all my other duties.

Q. Will you answer my question?

Gov. Butler. She has answered the question, I think.

Mr. Brown. I beg your pardon.

Gov. Butler. I think you ought to. I grant it.

Q. Was it your duty? A. I didn't suppose it was; if I had, perhaps I should have done it.

Q. Now let us take a case where there were vermin. A. Yes, sir; I and the old lady would comb their heads after bathing; that is, once a week. That is, as far as I could, and comb certain heads.

Q. And now can you tell me how long it was that these persons had sores on their heads? A. I don't recollect any such occasion.

Q. Wait one moment. Haven't you testified that there was

a person that had sores upon the head caused by the eating of the vermin? A. It was in the male department.

Q. How did you come to know about it? A. Oh, I was told about it by my husband.

Q. You don't know anything about it yourself? A. I saw it myself.

Q. You did? A. Yes, sir; he called my attention to it.

Q. How long did it continue? A. I hope it didn't continue a great while, and I don't think it did.

Q. What do you know? A. I know it did not.

Q. How long did it continue? A. I could not say how long. It takes two weeks and sometimes more to cure a case like that.

Q. Did it continue for two weeks? A. I could not say whether it continued two weeks or three weeks.

Q. Do you know anything about the history of that person who had such a condition of things. A. I do not.

Q. You don't know how long he had been in the hospital or in the insane department? A. He was there when we came there; I don't know how long he had been there.

Q. He was there when you came there? A. Yes, sir.

Q. Now, how long after you came there was it that you discovered this condition of things about the head? A. Well, we discovered it pretty soon.

Q. About how long? A. Perhaps the next day.

Q. The next day? A. Yes, sir.

Q. And that is all that you know; that you found the person there when you came there, and you discovered this the next day? A. Yes, sir.

Q. That is all that you know about that. Well, now this Barron woman, she was under your charge, was she not? A. No, sir; she was not.

Q. Under whose charge was she? A. She was in what we would call the other part of the building, and a man and his wife had charge of it, the same as we had in the female department.

Gov. Butler. She is the woman that Mrs. Dudley described.

Mr. Brown. I thank you for helping her out.

Q. Now do you know anything about the condition of the Barron woman, — that is, the peculiar phase of her disease? A. They said she would not keep her clothing on.

Q. Do you know whether she would have used a bucket if there had been one in the room? A. I could not say, sir.

Q. Well, now, don't you know that it was her habit to defile herself with the contents of the bucket? A. No, sir; I do not. If they tried it, perhaps they knew whether it was so or not; I don't know whether it was so or not.

Q. Don't you know she had been there some time gradually growing worse, until that condition of things came that you could keep nothing in her room? Don't you know that is a fact? A. No, sir; I don't know anything about that.

Q. In your experience in the care of the insane, how many cases of that kind have you known where you could not even keep a bucket in a room with a patient? A. Oh, there is a great many cases.

Q. A great many cases? A. Yes, sir.

Q. In other words, there are a great many cases where a person is insane where they do not properly attend to that sort of thing? A. Yes, sir.

Q. How many physicians were there at the hospital while you were there? A. I think there were three.

Q. What were their names? A. Well, we had different ones. I don't know how long; I cannot say how long they stayed. When we went there, there was Dr. Lathrop.

Q. Who else? A. I cannot remember now.

Q. You cannot remember anybody but Dr. Lathrop? A. There was a Dr. Marston; whether he was there when I went there, or whether he came a short time after, — we changed about that time, — I don't know, and I don't remember.

Q. Well, is not this the condition of your recollection: you remember that there were always three physicians, but you do not remember who they were? A. I don't remember their names.

Q. Well, don't you remember this fact, that there were always three physicians there? A. No, sir. Well, I remember there were three physicians, but I don't remember their names just now.

Q. Now was there any arrangement as to the visitation of your ward by these physicians? A. Dr. Lathrop was supposed to have charge of the insane department while we were in charge, — when we went there, and I think for the first year.

Q. Well, now, was this ward in which you had charge visited by any of the other physicians except Dr. Lathrop? A.

The other one after Dr. Lathrop, — they changed, and Dr. Foster came in. Dr. Foster was the only physician, I think, besides Dr. Lathrop, regularly attending. After they changed off Dr. Foster came in and Dr. Lathrop took another place; but still he had oversight, I so understood, of the insane department.

Q. Now was not this the fact: that here were three physicians, and they took turns in visiting that ward which you had charge of? One would take the visit a few days or a certain given time, and then the next would take it, and so they went along? A. Well, it is something new to me; I didn't know it.

Q. You didn't know that? A. No, sir; I didn't know that.

Q. Well, now, Mrs. Barker, if there was any lack of cleanliness among your patients, who do you consider was responsible for it? A. I suppose myself; I was.

Q. You was responsible yourself? A. Yes, sir.

Q. There is no question about that, is there? A. I should not suppose there was.

Q. Now I will ask you this question: Was there any lack of cleanliness among your patients while you were there? A. No, sir.

Q. There was not? A. No, sir.

Q. Now, did the same arrangement exist as to responsibility in the male ward where your husband was in charge? You don't know about that? A. I know that was kept up very nice, they said. Mrs. Marsh came over herself and said she never saw it look so nicely.

Q. As it did while your husband had charge? A. She said that. She went up into the upper dormitory, — something I never knew her to do in my department, — she went up there to see the beds.

Q. Did she say that frequently, or would she say that because she only went up once? A. She didn't go in there frequently; perhaps that was the only time she went in.

Q. Now, Mrs. Barker, if there was any lack of cleanliness among the male patients of the ward in which your husband had charge, your husband was responsible for it, was he? A. Yes, sir; I suppose so.

Q. If eighty-four people bathed in one portion of water in a large bath or "pond," your husband was responsible for it,

was he? A. Yes, sir. Responsible? He had that to bathe the patients in.

Q. And if your husband, having charge of that ward, or if while he had charge of that ward any patients were bathed with water that had human excrement in it, your husband was responsible for it, wasn't he? A. That is the water he had for them.

Mr. Brown. Answer my question.

Gov. Butler. She is answering. Why do you interrupt?

The Witness. That was the water he had heated to bathe the patients in. How could he go to work and heat it again — heat a pond of water to bathe other patients — the next patient in?

Q. Well, Mrs. Barker, your husband is a man of some considerable wit. I suppose he could prevent a patient from going into that water? A. Prevent them? I suppose he had them go in.

Q. And you have no doubt but what if that thing I have described happened, your husband is responsible for it? A. I don't know nothing about the responsibility.

Q. Well, you know you were responsible for anything of that kind? A. No, I had that water to bathe my patients in; and if one patient went in there and left dirt, I would not know it at the time, perhaps, when there were ten in there bathing.

Q. Well, now, suppose you happened to know it, couldn't you have stopped it in your ward? A. No, sir; I don't think I could. How could I?

Q. I ask you. A. I don't know that I could.

Q. Why? A. I don't know of any way that I could.

Q You don't know of any way that you could prevent your patients from bathing? A. That was not what I understood you. I understood you that I could help that filth that was in the water, not knowing it was there.

Q. Not knowing it was there. But if you did know it was there? A. After two or three bathe we cannot see the filth at the bottom; that is what I wanted you to understand, — that after two or three have bathed, the surface is so that you cannot see.

Q. Now I will come back and ask you another question that I have asked once before, and see if you recollect it. I want to ask you again if you remember how many single bath-tubs

there were in your ward in the first year that you were there. A. I remember one.

Q. And no more? A. I don't remember any more.

Q. You would not say there were not more? A. No, sir; I would not say there were not more, but I am very sure there was not but one.

Q. And that bath-tub was for your special use? A. I understood it so.

Q. Now do you mean to say that your patients were kept in such a condition that you would hesitate to have them bathe in your own bath-tub? A. I used the best facilities I could when there was but one that had to be bathed.

Q. Let us see about the facilities. There were faucets with hot and cold water, were there not? A. Where?

Q. In your bath-room. A. In the sink as high as that. [Indicating.]

Q. How did you draw the water into this pond that you speak of? A. I could not tell you that; I never drawed it; never saw it drawn as I know of.

Q. Never did? A. No, sir.

Q. And you never noticed, in the entire three years, whether there was a stop-cock there for hot and cold water? A. I know there was not in the "pond."

Q. Well, connected with the "pond?" A. No, sir.

Q. There were not? A. No, sir.

Q. Well, how was the water drawn into that "pond?" A. I could not tell you.

Q. You don't know? A. No, sir.

Q. You never had the curiosity to find out? A. No, sir; I don't know as I did.

Q. (By Gov. Butler.) The water was put there by somebody else for you to bathe your patients in? A. Yes, sir; my husband drew the water, and saw that the water was heated. When it was heated I used to bathe my patients.

Q. And that was the allowance for water you had for that time, whether it was good, bad or indifferent? A. Yes, sir.

Q. Now Mrs. Barker, where are you at work now? A. I am engaged at the almshouse, at Salem, Mass., as matron.

Q. How long have you been there? A. It is nearly three years, I think.

Q. Did you go from Tewksbury there? A. No, sir.

Q. Where did you go? A. Well, I went down East and remained.

Q. You were asked if you quarrelled with anybody up there — with everybody, for the three years you were there. Did you get any recommendation when you came away? A. I never asked for one. I didn't get any. I never ask for any recommendation when I go away, and never have got one from any place.

Q. Did you and your husband go away of your own accord? A. Yes, sir; I was sick at the time. My health was poor and I went home.

Q. You have been asked about complaints. Were there any complaints made by any other officer of that institution to you about the manner in which your patients were kept? A. Never; I never heard it.

Q. And the first time you have heard it is when you came here to tell the truth, under oath, in the question of counsel? A. Yes, sir.

Q. (By Mr. Brown.) Now wait one moment. Let us find out about one thing. You say that the water was drawn into that pond by your husband, and that that was your allowance, and you could have no more? A. No, sir; no more? That water was heated, and it would take some time to heat it. In cold weather it would take twenty-four hours, I think. In warm weather it would not take quite so long.

Q. What I want to know is, whether that water must be used, and you knew you could have no more. A. I knew it was not convenient for me to have any more. I had seventy-four patients; I could not take all the week to bathe them, I had some other work to do. I was to make them as clean as I could with that.

Q. Now supposing you wanted more water, who would be inconvenienced by your wish? A. I would have to wait perhaps until the next day.

Q. To have it heated? A. Yes, sir.

Q. Do you know any reason why you should not have had it? A. I cannot tell you the reason that this arrangement was made. I cannot tell you.

Q. You don't know anything about it? A. No: I tell you I do not know anything about it.

Q. How did your husband come into this female department

to prepare this water? Was not that your duty? A. No, sir; it was not.

Q. It was his duty? A. Yes, sir.

Q. You don't know whether there was, or was not a stop-cock with hot and cold water? A. I know there was not for hot water.

Q. Well, let us come to the time when there were five individual bath-tubs. A. Yes, sir.

Q. Do you know any reason during that period of two years why you should not have bathed them oftener, or had clean water? A. After I had facilities to bathe with, I bathed them as often as they needed it; perhaps every day, some of them.

Q. Then, as I understand you, during the last two years you were there, you had the facilities so that you could bathe your patients and give them all the bathing they needed? A. Yes, sir.

Q. And there was no lack of facilities for the most perfect cleanliness during the last two years you were there? A. No, sir.

Q. (By Mr. Mellen.) Did you make it a practice after a person had been bathed — a person who was diseased and had sores — to then change the water? A. Yes, sir; we always reserved those patients to the last of our bathing.

Q. You reserved them until the last of your bathing? A. Yes, sir; bathed them all in separate waters; we bathed them all in separate waters after we had the tubs.

Q. Each patient, for the last two years you were in the institution? A. Yes, sir.

Q. But prior to that you did not have the facilities for heating the water? A. No, sir.

Q. Did you ever find fault because of lack of facilities prior to those two years? A. I don't know as I found fault. I don't know that there was any blame attached to any one in particular. I supposed that was the arrangement that they thought was the best at the time. I thought it was a very poor one.

Q. You thought the arrangements were poor? A. Yes, sir.

Q. The facilities were short? A. Yes, sir; I did not think there was any blame to attach to any one.

Q. (By Gov. Butler.) Was this the same "pond" where the male patients bathed? A. No, sir; this was in the female ward, in the basement, and the males had one in their ward, in the basement.

Q. You say when you had this supply of water — when you had the new bath-tubs you reserved the diseased patients till the last? A. Yes, sir.

Q. (By Mr. Brown.) A single question. During the first year you were there how many wooden tubs were you provided with in the bath-room? A. Well, I could not say. Perhaps we had three for washing purposes. We did our own washing and everything.

Q. Now, why couldn't you have bathed those bad cases in a tub? A. Why couldn't we?

Q. Yes, why couldn't you? A. I don't know. It was not very convenient to do it. I never was told to do it.

Q. You were the woman in charge there. Do you know of anybody who would have been inconvenienced by the bathing of a patient in one of those wooden tubs, except yourself? A. I don't know that there would.

Q. (By Gov. Butler.) Those wooden tubs were common wash-tubs? A. They were common wash-tubs; we did our washing in them. It would have been a very hard case to get an inmate in there to bathe them — an insane one.

Mr. Brown. [To Gov. Butler.] Better than anything you and I had when we were in the army.

Q. (By the Chairman.) Of those seventy-four women you had charge of, how many of them had this disease that you call skin disease? A. I could not say. I don't know anything about disease. Some of them had skin diseases. There were none, I think, in my department, who had sores.

Q. None of them had sores? A. No, sir.

The Chairman. Any other question by the committee?

Q. (By Gov. Butler.) I was about asking a question. I was asking whether anybody suggested to you in any form that you might use those tubs for any other purpose than washing? A. No, sir; I never was told by the doctor that these patients had any particular disease.

Q. Was it suggested to you that you should use these wooden tubs? A. These wash-tubs? No, sir.

Q. Well, it would hardly be proper, in your judgment as a cleanly woman, to use wooden tubs, used for washing clothes, for the purposes of bathing? A. No, sir.

Q. (By Mr. Brown.) Mrs. Barker, do you think after you had been there a little while any of your patients were so filthy

that they would have contaminated an ordinary wash-tub? A. Well, no, I don't think they would.

Q. So that they might not be used the week following for washing clothes? A. We had not so many tubs. Perhaps we might have them in use.

Q. (By Gov. Butler.) Well, if they had skin diseases they might contaminate, although not having sores — I won't trouble you to answer. Everybody knows that but counsel.

Testimony of Johanna Ring (*sworn*).

Direct examination by Gov. Butler.

Q. Your name is Jane Ring? A. Johanna, sir.

Q. Where do you live? A. I live in Salem.

Q. How long have you lived in Salem? A. Thirty-three years the fifteenth day of this month, sir.

Q. What is your age, madam? A. I will be sixty-eight next June.

Q. Are you a little hard of hearing? A. Yes, sir.

Q. Was your husband, David Ring, at Tewksbury? A. David Ring; yes, sir.

Q. What made him go there? A. Well, he was on one leg, sir. He lost his leg on the Eastern Railroad, and I were getting old; I could not support him, and he was not contented to live as he was.

Q. And he went to Tewksbury? A. Yes, sir.

Q. When did he die? A. He died eight years ago the twenty-eighth night of last July.

Q. That would make it nine the twenty-eighth of this next July — July, 1875? A. Yes, sir.

Q. He was there about a year, was he? A. He was there from the sixteenth of June until the twenty-eighth of July next.

Q. The following year? A. He was there a little over a year when he died.

Q. After his death, did you receive a letter saying that your husband was dead? A. Yes, sir.

Q. Where did that come from? A. It came from the almshouse, by Mr. Marsh's order.

Q. It came from Tewksbury, then? Did you get a coffin? A. Yes, sir.

Q. Right off? A. Yes, sir. The first train that was going down after I got the letter, I took a coffin down with me.

Q. The first train that went down? A. Yes, sir; the five o'clock train.

Q. You went to Tewksbury to get your husband's body? A. No, sir.

Q. I say *to* get your husband's body. You went after your husband's body? A. Yes, sir.

Q. Did you get his body? A. No, sir.

Q. Did you ask Captain Marsh for it? A. The coffin was not carried up past the little depot where I came out; the coffin was left there until the next morning. It didn't get up to the almshouse at all.

Q. Won't you repeat that again? Where did you find Captain Marsh? A. In the office, sir.

Q. What time in the day did you get there? A. I got there between five and six. I left Salem depot on the five o'clock train.

Q. Five and six in the afternoon? A. Yes, sir.

Q. Did you go immediately to the Captain's office? A. Yes, sir.

Q. And did you see the Captain? A. I saw the young man that kept in the office.

Q. The young man? A. Yes, sir; he called in Mr. Marsh; I could not tell his name.

Q. He was a young man that you saw? A. Yes, sir; a young man.

Q. Well, did you tell him what you wanted? A. Yes, sir. He told me he could not be kept; that the weather was too warm, and they buried him.

Q. That they had buried him? A. Yes, sir.

Q. That you could not have him? A. I didn't have him, sir, and I didn't get any sight of him.

Q. That it was too warm, that he could not be kept, and they had buried him. Did they tell you where they had buried him? A. No, sir. He was buried from Tuesday night until Thursday afternoon, when I got there, and they didn't tell me when they buried him.

Q. That is to say, you got notice that he was dead Tuesday night and you got there Thursday evening? A. Yes, sir.

Q. And you say you took the next train after you got the letter? A. Yes, sir; the next train.

Q. The day you left. Then you went back with your coffin, I suppose? A. No, sir; there was no train going home,

When I left the almshouse the train was gone into Salem. I slept up stairs there that night.

Q. What? A. I slept there that night.

Q. Did you have a carriage waiting at the other end to take the body, if you had got it? A. There was a hearse and courtiers at the depot before me when I came back with the empty coffin; and I told them to take good care of the coffin and the undertaker to take it back, and he did take it.

Q. How much did the whole expense cost you? A. Well, twenty dollars I agreed for the coffin, — it was only a plain coffin for twenty dollars, — and the undertaker had a grave opened that belonged to me, and I had to pay him two dollars and fifty cents, that I earned in some place when I got home. I hadn't a cent when I went down there — not one with me. I have no more to say about it, sir. I made up — I got the neighbors to make up some money when he was about two months down there, in the first place, and I got him home. After I got him home he was not contented. Then he went again, and after he went again he didn't come to me again, dead nor alive. I had to borrow money to-day to come up here. I was not able to come up here.

Gov. Butler. Well, we will take care of that.

Cross-examination by Mr. Brown.

Q. When was your husband injured on the railroad? A. Twenty-three years this day of last December, and I supported the house for him from that as well as I could until he went down to Tewksbury.

Q. Well, now, let us see. About eight years ago he went to Tewksbury? A. Nine years.

Q. Nine years ago this coming July? A. Nine years gone he went to Tewksbury in the first place.

Q. And he stayed there some two months? A. Yes, sir.

Q. Then he came back to you? A. Yes, sir.

Q. And you say he was not contented to be with you, and went back to Tewksbury? A. Yes, sir.

Q. Well, there was no home for him? A. I could not support him; I was to support myself. I was getting feeble.

Q. So he preferred to be at Tewksbury? A. Yes, sir.

Q. A sensible man, wasn't he? A. Yes, sir; he was, and a good man.

Q. He stayed there until he died? A. Yes, sir.

Q. And you think he died of a Tuesday? A. They wrote me that he died on Tuesday evening at eight o'clock on the 28th of July.

Q. On the 28th of July? A. Yes, sir.

Q. And you didn't get the letter? A. Until eleven o'clock on Thursday.

Q. The Thursday following? A. Yes sir; and then I took the first train, and a coffin and some clothes to put on him.

Q. You took the first train in the morning? A. I took the train in the afternoon; the only train is one at seven and one at five.

Q. And you got up there late in the evening? A. I got up there between five and six.

Q. Then you went up to the almshouse and you saw Captain Marsh? A. Yes, sir.

Q. (By Gov. BUTLER.) Saw the young man Marsh? A. Yes, sir.

Q. (By Mr. BROWN.) At least you saw somebody who was called Marsh? A. Yes, sir. He was in the office, I know.

Q. A young man. Now, is that the man sitting there at the table? A. No, I could not tell.

Q. Is that the gentleman sitting there writing? Which of those three men is it? A. I could not know. He was a little dark complected, I think.

Q. Well, never mind. A. I didn't take much notice of any one, sure.

Q. And you were told that your husband had been buried? A. Yes, sir.

Q. And then you went home? A. No, I didn't go home.

Q. Well, you went home the next morning? A. Yes, sir; the seven o'clock or eight o'clock train.

Q. And you have allowed that thing to remain nine years? A. How could I help it sir?

Mr. BROWN. Of course I don't know.

The WITNESS. I don't know myself.

Q. But that is the fact, that you have allowed the matter to remain nine years, and you have never had any doubt but what your husband was nicely cared for at Tewksbury, have you? A. I don't know, sir.

Q. When he came home and was discontented, he would

have had pretty good fare or he would not have left you? You always treated him nicely? A. Yes, sir.

Q. Well, he would not have left you if he hadn't been going to a better place? A. I suppose not; I hadn't the means.

Q. (By Gov. Butler.) You hadn't the means? A. I didn't compel him to go, because he went against my will, sir.

Q. (By Mr. Brown.) But he wanted to go? A. Yes, sir.

Q. He wanted to leave the wife of his bosom and go to Tewksbury, didn't he?

Q. (By Gov. Butler.) Because he hadn't any means to live on at home, had he? A. No, sir.

Q. (By Mr. Brown.) He was not able to work? A. No; he never worked a day after his leg was cut off. It was I was supporting him all the time I was able.

Charles Marsh (*recalled*).

Direct examination continued by Gov. Butler.

Q. That is your letter, isn't it? [Handing letter to witness.] A. That is my writing. Yes, sir; I wrote the letter.

Q. Now, you ask here for certain books you want: I will deal with the ledger first, because I don't, perhaps, get them as you do. You say you must have ledgers one and two, — which are those? A. Do you wish me to point them out, sir?

Q. Yes, sir; I want you to point them out. A. That and that. [Designating the books.]

Q. The way I was in doubt, that one was marked No. 1. A. That was when the books were kept by single entry; that ledger was not in use.

Q. Then these are the two, one being marked No. 2 and the other No. 3; that is, you made a mistake in the numbers. A. Yes, sir; I called the ledgers altogether.

Q. You wanted journal No. 2; which journal is that? A. That is the one. [Pointing it out.]

Q. Here is the inmates' cash book, December, 1871, and that seems to run down to January 24, 1879, — down to 1883. It begins, however, in this way, "Extract from cash book, December 31, 1871"; what is that book? A. That, I suppose, is the book that precedes it, and I have sent it to your office.

Q. What sort of a looking book is that? A. It is a book about that long, thin, and I think it was made originally for an index. There are two of them. One is marked "index" on

the back, with a piece of white paper marked "index"; this is indexed on the side same as that one is, only it is a marble paper. I could easily find it, see it at a glance. The one preceding that is not marked anything, I think.

Q. Now, in this book [inmates' cash book], since the first date here, you have kept the name, number and amount received of all the money of all the inmates? A. All that has come to me; yes, sir.

Q. Was there anybody else it should go to? A. No, sir; sometimes they kept it themselves.

Q. That is, if you didn't find out they had any? A. No, sir.

Q. But after the inmate came in, and you found they had any, it was, of course, taken from them? A. Taken from them.

Q. And taken charge of; and all the money was kept in this book? A. Yes, sir.

Q. And the date at which it was received? A. The date at which it was paid out.

Q. The date at which it was paid out? A. Yes, sir; this number on the left-hand side shows the time they came in; that is their registry number.

Q. But, take a case where you didn't find the money till afterwards, how would the registry number — A. They all had their registry number, no matter when they came in; they would all have a registry number.

Q. I understand; but what is there here about the date of its reception? A. This registry number on the left-hand side corresponds with the number on my register, which is the date of admission.

Q. The date of admission? A. Yes, sir.

Q. But if you didn't get the money on the date of admission there would not be any record of the date you did get it? A. There would not be any particular date I did get it, but the date that inmate came in would be recorded.

Q. In your other register; but in this book there would be nothing? A. There would be nothing but the registry number.

Q. So, all we have got here, — we will take any one of them, — here is "Jane Bennett, No. 38098, 3.50," — that means $3.50, I suppose? A. Yes, sir.

Q. "Jan. 17, 1872." A. That was the date she left the institution and received her money.

Q. And if she didn't receive her money, there would be a date put there, wouldn't there? A. They are not apt to leave the institution and not take their money with them.

Q. Aren't they? A. No, sir.

Q. Suppose they run away, how would they get their money? A. The money is turned over to the State Treasury at the end of the year.

Q. I assume that for the present. A. Sometimes they get their money by writing for it: there have been such cases.

Q. That may be. A. It is not the custom, however.

Q. I suppose not. Now, then, suppose they abscond, all the evidence is that the date of their absconding is put down here. For instance, now, let us take this man, Thomas Bradley, $7.95, absconded March 19, 1872. — what evidence is there that anybody got that money? A. There is no evidence, sir; because I have it myself, and if you wish me to explain that particular case —

Q. Have you got that money still? A. I have, sir.

Q. He left in 1872? A. Yes, sir; but he has been back there several times since, and brought other money. You will find his name there again with another amount of money.

Q. You have got that other amount of money? A. I have, sir.

Q. You have got that amount yet? A. Yes, sir.

Q. And have kept it ever since? A. I have, sir; and you will find it charged under another registry number.

Q. Find some more of it there? A. Yes, sir.

Q. Now, I want to know, sir, whether the amounts here have been changed in any way? A. Sometimes they have.

Q. What for? A. Sometimes they would have money come by mail; they would hand it to me, and I would put it down under the same registry number.

Q. That may be: but, having once made an entry here, like this, — take that one; is that entry ever changed? A. That, sir; I don't know; it is not my writing.

Q. Didn't you keep this book? A. I kept it, but that is not my writing.

Q. Well, sir. A. When this was brought forward from another book it was done by another person.

Q. Was this brought forward from another book? A. Yes, sir; the amounts were brought forward.

Q. But the amounts is all there is of it, isn't it? A. The amounts that were on the old book that hadn't been paid were brought forward on to this one when the other book was used up.

Q. What book is that, this one? [Holding up a book.] A. No, sir. Another book from that, a different size; that is, I think, the first one that I never saw till I sent it to you.

Q. That is the first one; then this is simply a record of what is brought forward from some other book? A. No, sir; because those who have come in since that was opened are all on there.

Q. When was that opened? A. 1871.

Q. Here is a person who came in, — we can't tell when they came in from this book. A. I can tell by the numbers, because I am more familiar with them.

Q. I know; I can tell by the numbers, but I want some book-keeping, not familiarity. A. If I could see my other cash-book I could explain it to you. My book is not there.

Q. Which book is that? A. The book which precedes that one.

Q. That precedes? A. That follows that one, I should say

Q. There is some time that your writing is here? A. Yes, sir.

Q. I want to take that time. When did your writing commence here; won't you look? A. I should say all on that page is my writing.

Q. Where did your writing commence? A. That is my writing, that is my writing, that is mine, that is not.

Q. The first page your writing? A. You know this was all indexed. They are brought forward from an index, and part of the first page is mine; that is all mine.

Q. Then, wherever your writing is, after the number is put down here, after the amount has been put down here, has it ever been changed? A. If they have had any money come in by mail to them and they have brought it to me, I erased whatever they brought to me in the first place, and put down what they gave me in addition.

Q. You erased and put down? A. Yes, sir.

Q That is to say, the date of receipt we find by the number

when they are admitted; if they have money it is entered here? A. Yes, sir.

Q. And then, if they get money coming by mail to them, what is entered on here is scratched out, and some other sum entered in? A. Yes, sir; the two are added together.

Q. You don't allow the original entry to stand? A. I do not.

Q. But you scratch that out? A. Yes, sir.

Q. Give me such a case, will you? A. I don't remember any; they are getting letters all the time, and sometimes they leave their money with me, and sometimes they don't.

Q. But do you remember any such case? A. I don't remember.

Q. Remember any case where you scratched out and put down less than there was there before? A. No, sir.

Q. You sure of that? A. I am.

Q. Never been an entry to the credit of an inmate and then scratched out and a less sum put in? A. No, sir.

Q. Always more; then that will be a guide, so far. Now, here was the entry kept before 1871, was it? A. Yes, sir; that is one of them.

Q. And that was kept with the cash belonging to the inmates of the Tewsbury almshouse? A. Yes, sir.

Q. Now, is there any amount ever carried from this book on to the regular books of the institution? A. Yes, sir: the money that was taken from that book at the end of the year, of those who had died or absconded, is carried on to the cash-book and on to the ledger.

Q. Is that only done once a year? A. That is done once a year, now; I don't know what the custom was before I went there.

Q. Can we find anything about it before you went there on the books? A. Yes, sir.

Q. How do you get at this amount? A. What do you mean; of those who have died or absconded?

Q. Yes. A. I take my discharge-book; I take this book and look up each name on my register and have my discharge-book with me at the same time; and those that have died and absconded during the year I put on to a piece of paper, the amounts and the names, and then I put it on to my cash-book and post it on to my ledger.

Q. And turn the money over to the State? A. I do, sir; and I have the treasurer's receipt for it.

Q. What account do you return? A. That is included in the articles sold of the institution and the inmates' effects.

Q. That is, all the account found in the State treasury, or the State auditor's, is "articles sold, etc.," and this money goes under the "etc.," don't it? A. Yes; it can easily be picked out from my cash-book and ledger.

Q. It may be picked out from your cash-book and ledger? A. And also from our annual report.

Q. How can it be picked out from the annual report? A. Because there was an item, so much received from inmates who died and absconded.

Q. That is all? A. That is all.

Q. That is all you will find, — an entry, so much received? Who audits and knows, — you told us before that this book had no auditing, — who audits and knows whether that is enough, or too much or too little? A. I don't know that anybody does, except myself.

Q. You are the custodian of the money; you take it and you pay it out, and you are not a bonded officer, are you? A. No, sir.

Q. You charge it, you pay it out, as much as you please, and enter no account on the book of it except, you say, you find it on the cash-book? A. Yes, sir.

Q. Do you find on the cash-book any entry of any one man whose money has been appropriated? A. Do you mean any one man who has left the institution?

Q. No; when you enter this on the cash-book is there anything to show any one man from whom this money came? A. Yes, sir.

Q. What? A. Yes, sir.

Q. What? A. Yes, sir.

Q. How is it entered? A. I don't, — well, it says, received from the effects of John Smith, or whatever his name may be.

Q. How often is that done? A. That is done at the end of the year.

Q. Done all at one time? A. It is, now; yes, sir.

Q. Has that been the custom since you have had it to do? A. I don't know as it has always been my custom; I know I do it now.

Q. Was it your custom in 1875? A. I don't remember, sir.

Q. Is there any account open on your cash-book with the effects of deceased inmates? A. No, sir; nothing except the escheat account, the account with deceased inmates.

Q. Is that account journalized? A. It is up to some time in 1881.

Q. Has it been journalized since 1881, November? A. I think it has been up to 1882; I am not positive about it.

Q. Is this what you call the journal? [Holding up a book.] A. It is, sir.

Q. And this journal is the one you wrote the committee you could not get along without? A. I don't know as I wrote, I could not get along without it.

Q. "The following are absolutely necessary for the daily work of the institution," — that comes as near "could not get along without" as anything. Now, has that journal been kept up since 1881? Look at it and see. A. I think it is up to some time in 1882.

Q. Well, 1882 will do; I am content. A. It is up to October, 1882.

Q. Then, all there is in this journal is up to October, 1882 Now, you say you also want the ledger, can't get along without the ledger? A. My idea in asking for these books was that I might —

Q. I don't ask your ideas. I have them there in writing. When I want your ideas I will get them. Answer my questions. A. Very well.

Q. I know what your idea was in asking. Now, has this ledger been posted up or journalized since 1881, that it was absolutely necessary to have? A. I think that is up to about November, 1881.

Q. After November, 1881, this ledger, which was absolutely necessary, has not been journalized? A. Or posted, I call it.

Q. Or posted only up to 1881, November? That is so, isn't it? A. That is so, sir.

Q. And yet the ledger that hadn't been of consequence enough to post for two years and over, two years and a half almost, — you wrote to the committee that it is absolutely necessary to take away from me, so I can't examine, because the institution can't get along while I have them? That is so, is it? A. I told you that I wrote that letter.

Mr. Brown. Now, I submit, Mr. Chairman, that that question requires, and is proper for him to answer. He was stopped before.

Gov. Butler. Who has interfered with his answer?

Mr. Brown. You interfered before. You said you knew what his purpose was and you didn't propose he should explain.

Gov. Butler. I don't propose he shall now till you ask him for any explanation you please.

Mr. Brown. I want him to answer your question.

Gov. Butler. I haven't interfered with his answer.

Mr. Brown. If you haven't then he will answer.

Gov. Butler. Very well.

Q. Now, sir, you have sworn that your ledger was always posted month by month, haven't you? A. I have, when it is posted at all.

Q. Oh, when it is posted at all it is always posted month by month! Haven't you sworn in this investigation that there was no month when your journal was not posted into your ledger? A. I did not understand that I had sworn so.

Q. Do you know whether you have so sworn or not? A. I didn't intend to convey any such idea, if I did, because I knew it was not.

Q. You knew it was not? A. I knew it hadn't been posted since November, 1881.

Q. And the day after you swore so you wanted these books, didn't you, and wrote a letter for them? A. I told you I wrote that letter.

Q. I would say, the day before. Now, sir, here is a book which is in your handwriting, I believe? A. Part of it is and part of it is not.

Q. And it is a ledger beginning back in — A. 1869, I think, or 1868.

Q. 1868. Now, we will take the next one. Here is a ledger that has been in daily use in a poorhouse since 1879, if I am right; July 1, 1879, down to to-day; is there a single account here in the ledger balanced? A. Yes, sir; every account is balanced up to the time it was posted, and I have a trial balance taken off every month since 1868 up to the time it is posted.

Q. Had a trial balance taken off this every month? A. Yes, sir.

Q. But there has been no trial balance since 1861? A. 1881.

Q. 1881, I should say. A. No, sir, because that is not posted. I can't take off a trial balance till it is posted.

Q. I know you can't take off a trial balance till it is posted. Now, do you mean to swear to this committee that that ledger has been in daily, constant use as a ledger, entries made in it from day to day, and from time to time, during the years 1879, 1880, 1881, and 1882? A. No, sir; I don't know as it has been since 1879; I don't know just when I commenced to post that.

Q. Won't you look and see? When will you swear that you did commence to post this book, because we may be able to trace this book, possibly? A. There is no doubt about that; you can look on my bill-book and find when it was purchased.

Q. When did you commence to post into this book? A. I should say about last October.

Q. You commenced last October to post into this book? A. Yes.

Q. Along the last of October, sir? A. I can't tell you the date; I don't know.

Q. What? A. I don't know, sir; it might have been September; I don't think, however, it was till October.

Q. Then, wasn't this copied in all at one time, substantially, as fast as you could do it? A. I think I did a little on it every day.

Q. Did considerable, didn't you, every day? A. I probably posted a month a day.

Q. Why was the necessity of making a new posting in a new ledger of a State institution that had been running through three years and over, if it was not posted from something else; what was it posted from? A. It was posted from my journal.

Q. From your journal? Was this the first posting from your journal you did? A. It is, sir.

Q. Then the journal hadn't been posted? A. No, sir; I don't mean to say that, but I filled up my other ledger from my other journal as far as it would go, and then I opened this other new account that hadn't been filled up on the old ledger.

Q. Then you opened this new ledger? A. Yes, sir.

Q. Now, this was all written at one time instead of being posted from day to day and month to month; you sat down and wrote right down here this way? A. Oh, no, sir, I didn't;

every time that is posted; every month there is a trial balance taken off.

Q. I know a little something about taking off a trial balance; is there a single figure on these books showing that a trial balance has ever been taken off? A. Every account that does not balance itself a trial balance is taken off. There are some open accounts.

Q. Where are these trial balances? A. I have them at home, since 1868.

Q. When were they made? A. They were made at the time the books were posted.

Q. At the time this book was posted; that was last September? A. No, sir.

Q. Or October; no trial balances have been made till last September or October, — how could you take off every month the trial balances when you didn't post? A. Well, for instance, I would first post one month and after I had got through posting I would go back and take off a balance.

Q. That is to say, you would be writing this book up to-day, and — A. It would take me about one day to post a month.

Q. You would copy for a day from something or other or post, as you say here, make entries into the ledger; then you would take a trial balance and then you would go on and post another month another day and then take another trial balance? A. Yes, sir.

Q. Yes, and then you would go on and take still another trial balance day by day? A. Sometimes it would take me one day, sometimes two or three; it would depend.

Q. Two to post in here? A. It was just as I had time from my other work.

Q. And now, then, those trial balances all you have got? A. What do you mean by all I have got?

Q. Those which came from this book? A. No, sir; I have got some that came from the other ledger, I think, way back to 1868.

Q. Any that you made? A. I have made them since 1869.

Q. You have made them since 1869. Now, was there any peculiar reason why you should let your books run behind for three years, or two years and better, without posting? A. Yes, sir; there was.

Q. What was it? A. I had trouble with my right fore-fin-

ger. I was very much afraid of paralysis, and I didn't dare to use it much for that kind of work. My books were journalized, I kept them journalized up to date, but, on account of the fear of having paralysis in that finger, I didn't work on that kind of work.

Q. Didn't work on that kind of work? A. No, sir.

Q. But all at once, in September, you started full chisel and worked all the time? A. I put in pretty much all the time I could get in. If the days had been longer, and the nights longer, I should have done more.

Q. So as to get it up. Now, sir, there is a ledger, and when was that bought? A. I should say some time during last summer; I don't remember. I had it on hand some little time before I used it, I know.

Q. When was this journal bought? because it is as clean as the ledger, almost. A. I tried to keep all my books clean; I thought it was commendable.

Q. What? A. I always try to keep my books clean, any of them I ever use.

Q. I understand. When was this bought? A. I can't tell you, sir.

Q. Oh, about when? About the same time as the ledger? A. Oh, no, sir; a year or more before.

Q. A year or more before? A. Perhaps two years; I could not tell. I don't remember anything about the dates in there, sir.

Q. Let us see. This is a journal bought about two years before, you say? A. I don't know, sir: I could not say.

Q. Was it within five years before? A. I haven't any idea of the time; I sometimes buy books and keep them.

Q. I know; you sometimes buy books, and sometimes you don't; but I want to know whether this book was bought within five years of this date? A. I should say it was.

Q. Should say it was? A. But I don't know.

Q. And this you call a journal? A. Yes, sir.

Q. And you say you posted into a ledger; a new ledger. This journal begins Dec. 30, 1875? A. Possibly it may have been bought eight years ago, I don't know.

Q. I should think it was, perhaps, bought. Now, then, will you swear that you have had that book two years, on your oath, on the pains and penalties of perjury? A. I should want to look at the book a minute.

Q. Look into it just as much as you please, sir. [Book handed witness.] A. I don't remember, sir, when I bought the book; I can't tell.

Q. I don't ask that; will you swear that journal was not bought within two years? A. No, sir, I won't.

Q. Will you swear it was not bought within one? A. I won't swear to what I don't know, sir; I don't know when I bought it; I told you so to start with.

Q. Can you say that that journal was not bought since last November? A. Yes, sir.

Q. Now we have got a date when you can swear. Since last July? A. I don't think it was bought since last July, sir.

Q. Will you swear it was not bought since last January? A. I won't swear to what I don't know. I have told you I don't know when the book was bought, and I don't.

Q. Now, here is a journal, — what did you make these entries from? A. I made these entries from my bill-book, cash-book, and check-books, bank-book.

Q. Whether these were made at one time, substantially—I don't mean one hour—whether they were made consecutively as the ledger was posted? A. Of course, after the ledger was posted for a month the next month was entered on there.

Q. How? A. That is the journal.

Q. That is the journal; of course after the ledger was posted a month, then were the entries put on the journal, — you don't mean to say that? A. This shows the posting.

Q. I understand; when were these entries made after the posting, — whether they weren't made continuously as the ledger was? A. Each month was made by itself; I don't know whether —

Q. Each month made by itself; was it made at the same time you were posting the ledger? A. No, sir; not at the same time I was posting the ledger.

Q. Not the same moment, I don't mean that; you understand I mean upon the same job of work. First you put the month in here, and then you posted that into the ledger and then struck a trial balance; and then you put another month in here, and then posted that into the ledger and then struck another trial balance, — was that the way of it? A. That is the way I did the last part of it.

Q. How much of the last part of it? How much of the last part of it did you do that way? A. I don't know, sir.

Q. What? A. I don't know; I can't tell.

Q. Can't you tell about when? If you will look over this writing, — wasn't this all written at a time? A. No, sir.

Q. I don't mean the same hour? A. No, sir.

Q. But written continuously? A. No, sir; I think not. If you will let me look at it a minute?

Q. Won't you look at it and tell me where it began not to be written continuously? A. There, I think up to since September, 1881; I probably did that work in a great deal less time than I did the other.

Q. I don't mean to say you didn't do that, you know, but I am asking you, — I understand a journal, from the name of it, means a record of daily transactions made up, kept up in all proper book-keeping, daily, and then posted into the ledger from time to time, as may be; but now, this you say was done in less time than you did the other? A. No, sir; that is a book I can't do, except once a month.

Q. You can't do that but once a month? A. No, sir.

Q. Why not? A. Because they pay off the bills there once a month.

Q. They pay off the bills there once a month, I agree; but, then here is a bill — A. The daily entry of these bills is put into what is called my invoice book; that is copied off every month.

Q. I want to know whether these were entered once a month; if you want to put it there I had as lief have it that way as any other. A. No, sir; they were not on that book once a month, all of them, the last part of them.

Q. Since September, 1881, were there any entries made once a month, according to the transactions shown? A. Not on that book; no, sir.

Q. This was the journal, and this you wrote to the committee a letter that you could not carry on the institution without, even while I was examining it, isn't it? A. I have told you I wrote that letter.

Q. Was the letter true? A. Well, I intended to write what was true when I wrote it.

Q. I don't know but you did, but did you? Men intend to do a great many things they don't do. A. When I started that letter I don't think I intended to put in all these books. What I intended—shall I explain what I meant?

Q. Certainly, sir. A. I wanted my register, my death and birth books, — that is all I intended to ask for.

Q. And so you put in — A. I thought I would take all I could get.

Gov. Butler. Under the same call.

The Chairman. Governor, will you read the letter so we can see what it is.

Gov. Butler. I will, sir. [Reading.]

"Tewksbury, April 7, 1883.

"Hon. O. Gilmore,

Chairman Committee on Public Charitable Institutions:

"The following are absolutely necessary for the daily work of the institution: — Register Nos. 8 and 9; journal No 2, — [which is the one I have here] — ledgers Nos. 1 and 2; birth No. 2; death No. 3; death notification book, 2. Respectfully,

"Charles B. Marsh, *Clerk.*"

The chairman will remember that I called for the books covering this period, the books of original entries covering this period, and these books were given me in answer to that call. I stated here afterwards that these were not the original entries, and this gentleman, when I was not here, — so the report says, — swore that he had furnished me all the books of original entry covered by my call.

Q. Now, then, we will have what you call the invoice book and see whether this is daily transactions or not. Now, I have got a cash book. [Holding up a book.] A. You have got a journal now, what I call.

Q. Here is one journal; does this journal cover the same time as that? A. I should say not.

Q. Should say not; very well, then, I have got a journal which commences February 28, 1882, and runs down to March 31, 1883, if I read right? A. Yes, sir.

Q. Very well; now, are all the entries in this book made at the time they purport to be? A. They are all made within the month they purport to be. I make up my accounts for the trustees once a month.

Q. You make up your accounts for the trustees once a month? A. It takes me about a week to put these bills on.

Q. If I understand you, the whole entries of the month are written in this journal at one time? A. Yes, sir; the last week of the month.

Q. The last week of the month all the entries in the journal? A. Yes, sir.

Q. But there are very many things here that ought to be posted. It is written up for the trustees. Now, I want to come right to that; do the trustees see anything but these books? A. They see the original bills, check and examine every one of them.

Q. Now, therefore, you sit down and write up a month, so that the month will be all in the same handwriting, apparently, the same pen and the same ink at the same time. A. It is all done the last week of the month, ordinarily; sometimes I will start in a little earlier, if I have more bills than I think I can get through with in a week.

Q. Now, what book are they written up from? A. They are written right from the bills themselves.

Q. Right from the bills themselves? A. Yes, sir.

Q. Then the only entries that are put in your book are once a month from the bills themselves? A. That is all that are made on these books.

Q. What? A. That is all that are made on these books.

Q. What other books had you? A. I had my almshouse register, that is all.

Q. The register of inmates' births and deaths? A. The inmates names and admissions.

Q. You have that, but does that have anything on it but births, deaths and admissions? A. No, sir.

Q. I suppose you don't charge anybody with them? What book have you that has any charge, any memorandum, daily memorandum of the business done in that institution? A. I haven't anything besides this journal.

Q. But this journal is only monthly. A. When the bills come they are all put into a box and kept there till I want to put them on to my journal, whether it is the last fortnight of the month or the last week. This is the original entry from the bills; there is nothing back of it.

Q. Have you an invoice book? A. This I call my invoice book. My bills are put into a locked box and kept there till I take them out, unless they are called for for somebody who wants to see them.

Q. Now, about your cash-book, let us see about that. Here is a cash-book which I have, which begins on the date of April

27, 1868, and ends in 1877, I should think, sir? A. 1877; yes, sir.

Q. That is, seven and two are nine years; that cash-book has to be a daily business, hasn't it? A. No, sir; I do that once a month.

Q. Do that once a month? A. Because they pay off the officers once a month, and after they are paid off I put it on the book.

Q. But people come there with bills, ordinary bills? A. The bills are all turned into the institution once a month.

Q. Or they may not be. A. Some come in afterwards.

Q. What original entry have you of these — of the cash? A. That is taken from the pay-roll, when the officers are paid off.

Q. I understand, that is one thing; what else? A. Any cash received is handed to me by my brother on a memorandum, and I enter it on that book.

Q. Now, sir, will you say this book has been in daily use for nine years? A. I say I found that book in the institution when I went there in 1869.

Q. Very like; I can't say you didn't. A. Because there is writing there that I never made.

Q. Now, then, you commenced in 1869? A. Yes, sir.

Q. Do you mean to say that this book has been kept in daily use in that institution as a cash-book since 1869, when you went there? A. I do, sir.

Q. And all these entries made from day to day? A. Perhaps not from day to day.

Q. Well, from week to week? A. They have all been made since I went there.

Q. I have no doubt they have; I have not the slightest doubt of it. A. I don't remember whether I made them all from day to day, or week to week.

Q. Month to month? A. Yes, sir.

Q. From time to time? A. Yes, sir.

Q. From time to time. Will you swear that these entries are not back of the dates they purport to be made more than a month? A. Perhaps they might be, the last part of the book.

Q. Well, by the last part you mean that which you made? A. Yes, sir.

Q. Why in the cash-book should the entries go over a month, because then you settled up, and the trustees had to see

it all and balance it all, and how could they do that if the cash was not brought up? A. I know we paid off the officers, and do now, once a month; after they are paid off it is put on to that cash-book.

Q. I understand, after that put on to this cash-book; after that, undoubtedly, but within a month after that? A. Generally; yes, sir.

Q. Every time? A. No, sir.

Q. What? A. No, sir; not every time.

Q. Within three months every time? A. I consulted my own convenience about doing it.

Q. Within three months, every time? A. I can't remember, sir.

Q. Within six? A. If I could remember six I could remember three.

Q. I don't know; I can't agree to that. I can't remember, for instance, I might not be able to remember whether a certain thing took place three months ago, but I know it didn't six, and didn't a year. A. That is the difference between you and me: I can't.

Q. You can't remember? A. No, sir.

Q. Very good. Now, sir, hasn't this book been copied right down, day by day, every line of it just alike, and every ink part of it just alike, although running over some years? A. Well, it could not have been a great many years, because I haven't had time enough to copy all those books.

Q. Could not have been more than since 1869. I want you to tell me whether these entries haven't been made, — we will take this page, one is as well as another,— there is seventy-three, isn't that copied right through, right along? A. Yes, sir; every word of it,

Q. What? A. Every word of it; right straight along; perhaps within ten minutes.

Q. What? A. As fast as I could write it.

Q. That was the cash for May,— April and May. We will take the cash for May and June. Wasn't this written right along? A. Yes, sir.

Q. Without a blot or an erasure? A. I don't mean to have any blot if I can help it.

Q. I understand; or a change of ink or pen? A. Yes, sir.

Q. What? A. I have used the same kind of ink ever since I have been there.

Q. Yes, I understand; but what I want to know is, will you swear that this,—I will take pages covering three months,—now, was this written right down? A. I don't think I have ever written three months together on that book in my life.

Q. Swear you haven't? I mean continuously. A. Well, I should be pretty sure that I didn't.

Q. Sure enough to swear to it? A. No, I would not swear to it, but I feel very confident.

Q. Now, then, if your entries were not made up in your cash-book nearer than three months, how could the trustees examine your cash-book and make their report? A. They didn't make their report every month; they made their report at the end of the year. At the end of the year they would check all my balances; run through the ledger and check every balance.

Q. How could they make their examination if it was not there? A. They examine the bills, and it takes them all the time they have to examine these. They examine every item in each bill.

Q. They examine the bills? A. Yes, sir.

Q. And how do they know whether these bills are ever going to get on to the book? A. Because they see them on the book at the time.

Q. Cash bills; how could that be? They made the examination once a month, didn't they? A. They examined the cash once a year.

Q. But they made their examination of the accounts every month, didn't they? A. When the bills came I put them on to my bill-book every month, and then I copied them from that on to the trustees' record. They check their bills from the trustees' record.

Q. Where is the bill-book? A. That is the bill-book; invoice book, I call it. They are copied from that in a schedule form on to the trustees' record.

Q. They are copied into schedule form; do they see anything except the trustees' record? A. They do; they see the original bills.

Q. Do they see anything but the bills and the trustees' record? A. They see the schedule which is made at the same time.

Q. These are duplicates of the trustees' record, aren't they?

A. There is a schedule on the trustees' book, and then there is a separate one which goes to your Excellency to be examined. They don't see the bill-book, because that is simply a copy of the bills.

Q. That is to say, you first copy the bills on to this bill-book? A. Yes, sir.

Q. And then you copy the amounts, I suppose, only? A. I number each bill, and give the name of the man we purchase of, and a description of the amounts, and that makes the schedule.

Q. And what they see is that schedule? A. And the original bills.

Q. Will you show me on these books, anywhere, where there is any evidence that the trustees ever examined these books, or ever saw them? A. Yes, sir, I will.

Q. Where? A. On my ledger.

Q. Well, sir, show it me? A. There is the trustees' check on my balance, and you will find it on all my appropriations; all my balances are checked.

Q. And this is an account "to balance," "to balance," "to balance," "to balance," etc.? Is there any other place where they examined? A. Yes; you will find in the trustees' record every bill is checked.

Q. Leave out the trustees' record; I have got that, and it will appear here, if I don't make a mistake. Now, sir, will you swear that that page, with the exception of the checks, is not all written at the same time? A. I will.

Q. Or written within a day or two? A. Written within a year.

Q. What? A. Written within a year, I should say.

Q. Within a year of when? A. 1876, I should say.

Q. Written within a year of 1876; and, then, this being all written up at the time, what you have written out here would be checked by the trustees? A. They would check at the end of the year all that was balanced at that time. I would make out a financial statement, and they checked my statement by the ledger.

Q. And they accepted your financial statement? Now, sir, I want to call your attention again — Will you say that that book has been in common use all the time since you were there in the institution, month by month, in common use? A.

It has been in the safe of the institution ever since I have been there.

Q. I don't know that it has not; but I am asking you whether it was in common use? A. It has been used whenever I have had occasion to use it from time to time.

Q. That may be. Has it been in use, month by month, as it purports to be, for fifteen years? A. It has, yes, sir; because I see there are entries there made by the clerk who preceded me.

Q. Very likely; but have you any other reason for believing it? He could have written it all up at once when he went away, just as you did. A. I don't know anything about that.

Q. You don't know anything about it? A. No, sir; I know I found the books when I went there.

Q. Now, will you show me one entry of the bills of particulars or invoices of goods sold in the institution since you have been there? Anything that was sold? A. I think I can.

Q. And all there is. A. These are all the items I have; these are put on a memorandum that is handed me, — 35 pounds of zinc, at so much. I copy the memorandum. And there is one lot of pork there, I remember, sold; several hundred dollars worth.

Q. Is there any other? A. All the articles that are sold are on that book, that I know anything about.

Q. Is there any other account than this, — to cash received for 3,000 pounds of iron, 40 cents per 100 pounds, $12; 600 pounds of woollen rags at one cent a pound, $6; 590 colored rags, one and one-half cents a pound; 75 pounds white rags, four cents a pound, $3; 35 pounds of cotton rags, two cents a pound; 30 pounds bagging, one cent a pound; 50 pounds of tea lead, — lead out of tea-chests, I suppose? A. I suppose so; I never saw it.

Q. Four cents a pound, $2.20; 35 pounds zinc, 70 cents. Then comes, Thomas J. Marsh for salaries, etc. A. That "etc." means the other cash bills besides salaries.

Q. Other cash bills besides what? A. These items down here that are not paid by check, he has paid by cash.

Q. Received? A. That is where he receives it, and that is where he pays it out.

Q. Is this the cash creditor? A. Yes, sir.

Q. Is that the cash debtor? A. Yes, sir.

Q. Why is it put down on the debtor side on the one side,

and the same item on the creditor side? A. I don't know any other way to put it. We charge him with the amount of that check; there is where he pays it out.

Q. Oh, that is where he pays it out? A. That is where it has been paid out. That is taken from my bill-book.

Q. Cash is debtor to so much cash. A. Yes, sir.

Q. Then cash is creditor to the same cash? A. Paid out.

Q. How do you know these amounts are correct? A. I know they balance.

Q. I know they balance, but how do you know they are right when you put them down? A. Because they are taken from my pay-roll.

Q. Oh, but these aren't pay-rolls. A. These that are not taken from the pay-rolls are the small cash bills, which are not paid by check, but which are paid by cash.

Q. How do you know these are correct? A. They are taken from my bill-book.

Q. From your bill-book? A. Yes, sir.

Q. Where he claims he has paid so much money? A. I have the receipted bills to show for it.

Q. That is all written at a time, isn't it? A. Yes, sir.

Q. Then we go over to the next cash, then to cash received from Thomas J. Marsh for salaries, etc. A. That is the next month.

Q. I see; yes, sir. Then here is the salaries paid; but on this side is a large number of bills paid. I see Spalding, and Nourse, and Elliot, trustees, and more of them. A. Were they trustees at that time?

Q. Were they trustees? A. No, sir; not in 1877,—1879; in 1877 their expenses were paid monthly.

Q. This next was written all at the same time? A. Yes, sir.

Q. And so on? A. Yes, sir.

Q. Now, here is a cash-book that goes back to 1877,— February, 1877, — and this cash-book goes down to 1881, May; May, to balance carried forward. Now, do you mean to say that that cash-book was kept those five years in daily use? A. What is the date of it, sir?

Q. I will give you the dates again, sir. A. Any objection to my looking at the book a minute?

Q. No; look at the book as long as you please. [Book

handed witness.] What is the first entry there, sir; I may have been wrong about it? A. February 19, 1877.

Q. What is the last entry? A. May 2, 1881.

Q. That makes how many years? A. About four.

Q. How? A. About four.

Q. A little more; four years and three months, isn't it? A. Yes, sir.

Q. Now, will you swear that this was in use all that time, on your desk or wherever it might be, as a cash-book? A. I will, sir.

Gov. Butler. I will ask the committee to look at that and see if they think any man can keep a book like that.

The Witness. You will find the inspector's check against each item during all that time.

The Chairman. The books will be before the committee all the time.

Mr. Brown. As I understand it, you can't understand how this has been kept so cleanly and with such uniform good writing.

Gov. Butler. That is my difficulty.

The Chairman. Can you give us an estimate, Governor, of the number of days you will occupy?

Gov. Butler. I can't, sir, till I get through these books. I don't think, — I hope not to be more than three days more. I have this difficulty, Mr. Chairman. This is not a case where a case is put in as rebutting. I will stop, and then any new evidence which I find I will, as a matter of investigation, bring before the committee as it comes. The difference between this and a case in court would be this: That in a case in court the party comes prepared to try his case, has his evidence and knows what it is. Perhaps, — a large quantity, I need not give percentages, now, but a very large quantity of this testimony comes to me day by day, and somebody hands me a memorandum of what somebody else will testify to, which of course I don't know anything about before.

The Chairman. I suppose this could go on indefinitely, could it not, Governor?

Gov. Butler. I think I could put in this kind of evidence from now to October.

The Chairman. I suppose there must be a limit somewhere.

Gov. Butler. Certainly, I mean to have a limit. I shall not go into, — I haven't more than two or three witnesses at

present, that I know of, about the bulk of the subjects upon which I have examined. If I find any new and important evidence at any time I will put it before the committee; and I want to assure the committee that this is very hard labor for me, and I want to close it as quick as I can. I will put nothing before the committee that I do not think is important at any time. And I want to say, frankly, that if I had been left to myself I should have closed sometime since; but this is a public investigation; and, as there were people still doubting whether this institution had been carried on badly, I have had to keep accumulating evidence. I was convinced, and I have no doubt the committee are, long since, that at some time or other this thing wasn't a very good thing. That, I guess, is come to. The difficulty I find is, I have tried twice to go into what is being done there now by the attendants and others that have to do with it now, with not very satisfactory results; so I can't prove what is going on now.

The CHAIRMAN. Perhaps the other side will put in something.

Gov. BUTLER. Yes; I depend on them to let me get hold of some of these men. If they will only put in a bold defence, I will be much obliged to them.

Adjourned to Wednesday morning, April 18, at 9 o'clock.

TWELFTH HEARING.

WEDNESDAY, April 18.

The committee met in the Green Room at 9 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The committee will come to order. A quorum is present, and we are ready to proceed.

GOV. BUTLER. The witness is coming up stairs. Mr. Chairman.

MR. BROWN. Do I understand that the examination of Mr. Marsh is concluded?

GOV. BUTLER. Not yet, sir; no.

MR. BROWN. I would respectfully suggest that it should be.

GOV. BUTLER. Before I can conclude his examination, I have got to send to the auditor's office for the original bills. Mr. Marsh is mistaken. So far as I can get any information, no bills are sent to the Governor, copies or otherwise; if they have ever been sent, they have never reached their destination.

MR. BROWN. Well, is there any doubt as to whether they are in the auditor's office?

GOV. BUTLER. No, sir; therefore I had to send to the auditor's office to get the bills for examination. In order not to delay the committee, I have called another witness or two.

TESTIMONY OF MARY EVA BOWEN (*sworn*).

Direct examination by Gov. Butler.

Q. Give me your full name? A. Mary Eva Bowen.

Q. And where were you living at your earliest recollection? A. At Portland, Maine.

Q. With your father. What was his name? A. William Vinal Bowen.

Q. Where did you move to from Portland, Maine? A. To Newton Centre, Mass.

Q. How old were you then? A. Well, as near as I have recollection, about three years.

Q. How long did you live with your father in Newton Centre? A. Until I was ten.

Q. Where did you move to then? A. To Chelsea, Mass.

Q. Thence where? Where did you go to then? A. That is the last that I lived with my father, — at Chelsea.

Q. Was your father a man of property? A. Yes, sir.

Q. Live at Newton Centre in his own house? A. Yes, sir.

Q. Well furnished and appointed in every way? A. Yes, sir.

Q. Did you live at Chelsea, Mass.? A. Yes, sir.

Q. Before or after you lived at Newton Centre? A. After.

Q. Were you educated? A. Yes, sir.

Q. Did you go to the Normal Art School? A. Yes, sir. In New York —

Q. What? A. At 33 Pemberton Square.

Q. How long did you go there? A. Well, I went there in the spring for, I guess, about one month; and then afterwards, in the fall, I think, of 1874.

Q. Did you afterwards go to private lessons — go to the studio to learn painting and drawing there? A. Yes, sir; at the Studio Building, previous to that, when I was about twelve years old.

Q. How long did you take lessons there? A. Oh, for some months; I could not tell how long.

Q. After you were taking lessons there did you meet a man who betrayed you? A. Yes, sir.

Q. And how old were you then? A. Fourteen.

Q. Did you have a child? A. Yes, sir.

Q. Where were you taken to have that child? A. At No. 6 Oak Place.

Q. At the Oak Street Home? A. Yes, sir.

Q. Did you have a child there? A. Yes, sir.

Q. At what time was your child born? A. The twenty-sixth of March, 1874, — I guess it was 1875.

Q. What? A. 1875, the twenty-sixth of March.

Q. After your child was born at Oak Street, did your father come there for you? A. Yes, sir; he came to Oak Place.

Q. And were you taken before a court? A. I was taken into a private room in the court-house, I think, and probably before a judge.

Q. You were taken before somebody? A. Yes, sir.

Q. And you were there examined. After that examination, were you sent to Tewksbury? A. No, sir; to Dedham, — to the asylum for discharged female prisoners at Dedham.

Q. To the asylum for discharged female prisoners at Dedham. Were you then sent from Dedham to Tewksbury? A. Yes, sir.

Q. At what time did you go to Tewksbury? A. I think sometime in July, perhaps the first of July.

Q. Your child with you? A. Yes, sir.

Q. How long did you remain in Tewksbury? A. Well, I think about four months. At least, I know that I left there the nineteenth of October.

Q. How do you fix that date? A. On account of the child's dying the day before, on the eighteenth of October.

Q. On the eighteenth of October the child died? A. Yes, sir.

Q. And how certain are you of that date? A. Because I remember the death of the child; nothing more.

Q. Where did you go to then? A. Then I went back to Dedham the next day.

Q. Now, what ward were you put into? A. At Tewksbury?

Q. At Tewksbury. A. Well, I only saw one long ward in the hospital, and it was in a small room off it, which had, perhaps four or five beds, a little room up a few steps —

Q. Up three steps, wherever it was. And then there was a long ward. What was that ward, a hospital ward? A. Yes, sir.

Q. Not an insane ward? A. No, sir; a hospital ward; and the little room was supposed to be for women with child.

Q. Now I want to ask you about your treatment there. In the first place who were the ones that had you in charge? A. In the daytime Mrs. Rowell and a Miss McKenna.

Q. Did they have charge of the whole ward? A. Yes, sir; the whole place.

Q. And who had charge at night, if anybody? A. At night they called her night watch-woman; they didn't call her a nurse, and I don't know what her name was.

Q. Now I want to ask you what your food was there? A. Well, bread of a very poor kind; what I would not eat at all. Milk of a certain kind.

Q. What? A. Milk.

Q. What kind? Well. it was not good, that is all; I don't know what kind it was, but I know it was not good. I got it on account of having a child; all the patients didn't get it. Tea that I should judge was sweetened with molasses, or something to that effect, which I would not drink; and some sort of meat — you could not tell exactly what it was — stew or something every day; and sometimes hash with this bread, but no butter; and one day in the week some kind of fish, a sort of fish chowder I suppose they called it.

Q. Well, that being a description of the food, what kind was it as to being good or bad? A. It was so bad that I never ate anything while I was in the place, for three months or four months, except to drink a little milk and eat a very little bread.

Q. That is the bill of the almshouse fare. How did you get your food? A. What I did eat my father sent me money for in letters, and I used to give that to either Mrs. Rowell or Miss McKenna, and when they went to what they called the "village," they used to buy me cakes, jellies and fruit of different kinds, and I used to eat that with the milk. That was all I ate.

Q. Was your board paid there? A. They told me that my board was paid, and afterwards, after getting out of there, my father told me that he paid my board.

Q. Well, if they told you that, that is enough. Now, during all that time did you make the acquaintance of the superintendent? A. No, sir.

Q. Ever see him? A. Never saw him to my knowledge.

Q. Now, you were one of the lying-in patients. During all that time did you make the acquaintance of Mrs. Marsh, the matron? A. No, sir; I never saw her, not to my knowledge.

Q. Never saw her? A. Never saw a woman in the room except the doctors and the nurses.

Q. Who was the doctress? A. Oh, Miss Marsh.

Q. Nellie Marsh? A. Yes, sir.

Q. Dr. Nellie Marsh, she was the doctor. How did you get your money, through the clerk of the institution, or did the letters come to you? A. The letters came through, I think, Mrs. Rowell. I believe she always handed them to me. She said they came enclosed in one of hers.

Q. She handed you a letter that contained money, and you with that would buy food in that way? A. Yes, sir.

Q. How old did you say you were when your child was born? A. Sixteen.

Q. Now, I want to go a little into the cleanliness of that institution. First, perhaps, we will take the bathing. Won't you describe to the committee what the bathing was there? A. I think they had their bathing days twice a week — on what days I don't remember; and it was arranged so that each patient of the ward would get a bath once a week.

Q. That included the whole ward, the long ward? A. Yes, sir. There were two days for bathing, and on those days each of the bathing-tubs — the little small room, adjoining the one I was in, across the little hall, had two iron bath-tubs in it — they were filled with water and all the patients were brought up into that small room, and all undressed together, and all stood together, and as fast as they could be put into the tubs, one was put in after the other, as fast as they could be put in and taken out again; and all standing naked in the room together, probably sometimes twenty-five or thirty, sometimes more and sometimes less.

Q. Well, after one of them was put into the water, as a rule, what was done? A. After they were put into the water one of the nurses would stand by with a pail of soft soap and pour perhaps a pint, and sometimes more, on the top of their head and it would run down all over them, of course, and they would wash them. If they didn't wish to go into the tub, they would put them in — force them in.

Q. Was the water changed during the bathing of that set of patients? A. The water was never changed. If there were forty to be bathed they did it in the same water. The two tubs were side by side, the same water, people with disease and everything else — it made no difference what they had on them — people with all sorts of sores, and clean people together. And they had about half a dozen towels amongst all those people for them to wipe themselves on.

Q. Did you get any special privilege about it? A. Usually I got bathed the first of any one on account of being a favorite, perhaps, with the nurses.

Q. Did those patients refuse to go in? A. A great many would refuse to go in on account of seeing other patients there who had sores upon their bodies; and when they would not go in, or would scream, or anything of that kind, Miss McKenna, one of the nurses, and perhaps the other, had to take them and

put them in bodily; and if they did not go in peaceably they would hit them and force them to go in until they had a bath — hold them in the water until they had a bath and came out.

Q. Well, you say this was done whether they had diseases or not. Were there any who had running sores? A. There were people that had sores upon their body. Some of the nurses used to call me in, and say, "Come in here and look at this woman. There is something for you to see; something, perhaps, you have never seen before. Come in and look at this." One little girl, thirteen years old, who, they said, came from Fall River, had sores upon her body of a very queer character, and she was put in with the rest. Different people stood there and looked at her. She used to go right in the same water with the clean patients.

Q. Was that continued all the while you were there? A. Yes sir; every week.

Q. Did you see Thomas Marsh, Jr., there? No, sir; not to my knowledge.

Q. The assistant superintendent? A. Not to my knowledge.

Q. Now, I want to go to — whether, after they were bathed, any means was taken — or did any of them have any vermin on their heads? A. They used to be, all of them, covered with vermin on their heads; and the nurses used, as soon as they would come out of the water — each one would sit in a chair — that is, if there was time; sometimes they didn't do it — if there was time they would take each one, and they would sit in a chair, and they would pour carbolic acid on the top of their head, to, as they said, clean the vermin.

Q. Was this done to those who had sores on their bodies? A. Done to every one, if there was time.

Q. To every one who had vermin? Well, did you use to see — I suppose you went into the long ward occasionally? A. I used to go down there about every day whenever I had nothing else to do.

Q. Did you see whether there were any vermin on the beds? A. They used to be walking all over the beds and pillows, and on the bed-clothes; and when the linen would come up from the laundry, once a week, clean under-clothing or bedding, or anything, you would have to look very closely or else you would find plenty on the clothing, walking all over it, on the beds and

on the pillows—that is, without the pillow-cases,—and on the mattresses.

Q. What were the pillows,—of feathers? A. Yes, sir.

Q. Well, now, let us see if you will tell us whether there were any larger vermin there? A. Body-vermin?

Q. What? A. That is all I saw.

Q. Perhaps I don't give you the right suggestion? Did you see any rats? A. Oh, yes, sir; rats were walking all over the floor.

Q. How were they at night? A. At night, in the room I was in, which was directly opposite the bathing-room where the two bath-tubs were; in there were some pipes and large holes in the wall where the rats used to come out. At nights they used to close the door because the rats would come out and walk into the room I was in, walk down the steps into the long ward. Then in the long ward there was a bath-room, and the rats would come out there and get on to the beds and annoy the patients.

Q. And get on to beds that were not disturbed? A. Yes, sir, until somebody came.

Q. Would the patients make any trouble about it, and call up the night nurse? A. Yes, sir.

Q. Had she two wards to watch? A. Only one long ward and then this little room which I was in; all of it.

Q. Did she have to spend any considerable time in your room? A. Well, she used to spend a great deal of the time, if I was awake, sitting on the steps and talking with me; sit and fall asleep there; she used to fall asleep there for hours. And if the rats troubled any patients, if there was anything the matter, one of them would come and look for her — the night nurse — and she would go down the long ward to see what was the trouble. Often I went with her, because I didn't sleep much.

Q. Was there any case where any of the patients were eaten by rats? A. There was one woman we had there that had consumption, so they said, so that she was in such a weak condition that she could not raise her hand to her mouth, even, to take her medicine; she could not take her food without helping, and could not raise herself up in bed. And the rats used to eat her feet; and I have seen her feet — one of the nurses showed me her feet when she was alive. They were all eaten, and parts of the toes gone. She used to cry, — she could not make much outcry, — but in a feeble voice, to let them know that the rats

were annoying her, and some of the others used to go and call the night nurse to come down and drive the rats away.

Q. Did they do this annoying more than once? Was this from time to time? A. It was every night for some length of time, until she died. She died while I was there.

Q. Now, I want to go to some unpleasant subject; but it is necessary that we should do so. In that long ward — you were there during the summer? A. Yes, sir.

Q. In that long ward where was the privy or water-closet? A. Half-way down the ward.

Q. Did it open directly into the ward? A. Yes, sir, with a swinging door.

Q. In what condition was that? A. It was in a very filthy condition.

Q. What did the nurse tell you about going into it? A. The nurse, when I first went there, told me, advised me, never to go into that closet on account of so many patients dying of cholera, and on account of the dirty state of the water-closets; and if I didn't wish to catch the cholera I had better not go in there and use it.

Q. Won't you, however unpleasant it may be, describe it? A. The seats of the water-closet were covered with matter from patients having sores and different things, and every other filth. The smell used to come out into the long ward so that the patients around in the beds adjoining the door would be sick from the smell. They would smell it all down the ward.

Q. Well, you spoke of the cholera — having the cholera there. Did they have it to any extent that summer? A. Yes, sir. They used to be dying there every day, old and young. There were very few young patients in the ward; most all of them were middle-aged people and I don't think there were more than four or five children in the ward. But young or old, they all died with the cholera. Some died every day. They would not be sick more than three or four days, vomiting with the cholera; and they used to die twelve, fourteen or fifteen every week, sometimes more and sometimes less — dying every day in the ward.

Q. Was there any cleaning up of this condition of things while you were there? A. The wards used to be cleaned whenever they expected the directors or some one — I think they came there once or twice while I was there — a party of ladies and gentlemen. And before they came the place would

be all cleaned up; that is, the floors and beds, etc.; and the patients would be told to sit up and behave themselves.

Q. Now how soon — or won't you describe it, suppose a patient dies, what was done then? A. As soon as a patient died — or at least that is what I saw — they were taken immediately with the clothes they had on and everything, and the box put alongside of the bed and they were put immediately into the box and carried away.

Q. What sort of a box? A. A rough wooden box, like any box.

Q. A coffin? A. Square shape, like any box — square corners.

Q. How soon after they were supposed to be dead? A. Immediately.

Q. Was that the universal practice? A. Yes, sir, so far as I saw.

Q. Well, suppose the box was not large enough to hold the body, — if there was any such instance? A. At one time I saw a woman come in that they said was drunk, at about five o'clock in the afternoon. She was very fleshy and I should judge weighed 250 or more and looked perfectly healthy; very large and several men brought her in — she was evidently tight — with her bonnet and shawl on, and they laid her on the bed; and Dr. Marsh came in and looked at her and said she would give her something to keep her quiet — she was hollering.

Q. Had the delirium tremens? A. That is what they said; she screamed and everything. Dr. Marsh gave her some medicine, and directly afterwards she was all quiet down in the ward; that is, she didn't scream any more. At about nine o'clock in the evening, that same evening, I heard a great noise, and I went out to see what was the trouble, and they told me that she was dead. She still had on her bonnet and shawl, and there were four or five men standing beside the bed; and as I stood at the steps, looking down the long ward, they took the body up and threw it into this large box beside the bed. In throwing her in they could not get her on her back; they held her up and dropped her down, putting her on her side; her whole face and part of her shoulder protruded above the edge of the box, and she still had her bonnet and clothes on, the way she came in. And they put a board across the top of the box, and I don't know whether they hammered it or tied it down;

but the men stepped on top of the box in order to press her face and body down below the edge of the box.

Q. They fastened her up somehow? A. Yes, sir.

Q. Well, which way did they put the board that the men got up on to? A. Lengthwise of the top of the box.

Q. They fastened her down and carried her off. Now, how soon, — did you observe whether that bed had another patient on that day? A. That same night there was another patient slept in that same bed without the clothes being aired; and I have often seen it.

Q. That is, one patient would die of the cholera, or whatever it might be, and be carried off, and then another person would be put into the same bed without change of clothes? A. Yes, sir; sometimes they changed them, but more oftentimes I think they didn't.

Q. Were there some insane sick in this ward? A. Yes, sir; several old women that they said were insane, who were not able to take care of themselves, — were sick.

Q. How were the beds in this ward, as to being filthy or otherwise? A. Well, my bed was always clean, because I took good care of it myself. Some of them were very filthy — some that I saw were.

Q. Now, whenever any of those insane old women didn't do what was wanted of them, how were they treated? A. There was one insane patient down there — and there were several others — but there was one in particular that was very noisy; and in the middle of the night, if she got opportunity, she would annoy the patients, — and a very old woman down to the end of the long ward. And if she screamed or walked around among the other beds the night nurse, or whoever was there, would go down and try to get her into bed; and if she would not go they had a stick down there and used to beat her. So at the end she would be so unmanageable that they could not do anything with her, and they would tie her on to the bed with ropes, and then beat her when she was on the bed, — tie her down, hand and foot.

Q. And would the ropes come on to her flesh, or was it like a strait-jacket? A. On to her flesh; just a common rope.

Q. And would that rope injure the flesh? A. She was all marked up with hits of the stick: she was all covered with sores; and then the ropes had made impressions upon the flesh,

and she was all sore. They used to beat her terribly, and she used to scream awfully.

Q. How old was that woman? A. I should judge she was about,—well, nearly eighty; a very old woman.

Q. I want you to be sure about the death of your child, and about your going away the next day, for I find by the record that you are said to have been discharged in November, 1875,—that is a month after you said you were. Are you still sure? A. Yes, sir; I am positive about that. The child died on the 18th of October, and I went away the next day to Dedham; and the reason I remember it was because the matron of the nursery at Dedham came after me, and when she came she said, "Where is your baby?" I told her it died the day previous. She said, "When I came in and inquired of Mr. Marsh about you, and said that I wished to see you and to take you away, he said nothing about the death of the child."

Q. Now, a short time, or some time before you went away, or while you were there, were you in good health? A. At Tewksbury? I was delicate, of course, because I didn't eat anything except what little I got myself, and had the child to nurse.

Q. Anything else the matter with you? After you had been delivered was there anything else the matter with you? A. No, sir; only debility.

Q. Did they give you any medicine for debility, to give you an appetite? A. Cod-liver oil and whiskey twice a day, morning and evening, and the baby the same thing; and she gave me morphia every night about eight o'clock, and the baby the same, or similar.

Q. Along about the last of it, did Dr. Marsh give you any other medicine? A. I complained to Dr. Marsh about the food, and told her that the nurse told me if my board was paid I ought to have different food; and I spoke to her about it, and she said — she simply laughed at me, and told me the food was good enough, and so forth; and she said that if I was really feeling bad — she saw that I hadn't much strength — she would try to give me some medicine which would probably do me good. So one afternoon she came in and handed me a glass of medicine. She said, "Drink this down, the whole at a time; I think it will do you good." I drank it down, and she took the glass and went away. Shortly after, probably ten or fifteen minutes, I felt as though there was a heavy weight coming from

the bowels gradually up to the throat, as if some immense weight was crushing me gradually upwards; and, finally, when it reached the chest, I could not speak at all. I made some motion that I was in trouble, and one of the patients in the room called Mrs. Rowell, the nurse. She came in, and the patient, I suppose, told her I had taken something of the sort. I could not speak; couldn't get my breath; could not raise myself up out of the bed. She went out and brought Miss McKenna back, and both of them gave me some hot drinks,—several; and, after swallowing that, I threw up a large quantity of liquid that was black. I took it to be ink; that is, it looked similar to ink, — very black. I threw up, perhaps, two quarts, —a large quantity,—and my throat and mouth and chest, all the way down, seemed to be burning,—seemed as if the skin was all off of it. They sent for Dr. Marsh, and she came in and said it was a mistake; the medicine she gave me must have been a mistake, and she said it was fortunate that Mrs. Rowell came in, and knew what to give me, and that it was very lucky that this black material came up.

Q. Have you ever been fully well since, in your stomach? A. My stomach has been in rather a bad condition ever since; that is, I have not been well.

Q. Is your father dead? A. Yes, sir.

Q. When did he die? A. He died in 1877, the first of the year.

Q. You had a step-mother? A. An adopted mother. I always called her my stepmother.

Q. You now live in New York, do you? A. Yes, sir.

Q. Whether you told this story, or portions of it, some years ago? A. I told it to certain friends of mine some years ago.

Q. Do you know how I came to know anything about it? A. When I was in New York I read about this investigation in the papers, and spoke of it to my friends. I told them that if I were in Boston I would like to testify to what I had seen myself, if I could do so, because I thought it was no more than right.

Q. What did your friend do then? A. That friend advised me to write to Boston and say that I knew something concerning the matter; and I didn't feel like doing so, so my friend did it for me.

Q. And then a messenger was sent for you? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. What was the name of this friend to whom you told this story? A. Well, I don't know as that is proper for me to tell.

Gov. Butler. Oh, yes; you may tell the name of the friend to whom you told this story.

The Witness. A Mr. King of New York.

Q. Give us his full name and address.

The Chairman. Answer the questions promptly to save time.

The Witness. Mr. H. King, Hotel Arno.

Q. Harvey King? A. No, sir.

Q. What sort of a man is he? A. Dark and tall.

Q. Gray moustache? A. Black.

Q. Black hair? A. Well, very dark.

Q. Very dark hair? A. Yes, sir.

Q. Are you sure as to whether his moustache is not gray? A. I am positive.

Q. About how old is he? A. Thirty-nine.

Q. Where is his place of business? Give the street and number.

The Witness. Is that necessary?

The Chairman. Answer the question.

Gov. Butler. There is no objection to it.

The Witness. Twenty-one Murray street.

Gov. Butler. I will tell you when I don't think they ought to ask the questions.

Q. You told Mr. King this story; then, so far as you know, in consequence of that, communication was made with you? Now, madam, where do you live in New York? A. Fortieth street — West Fortieth street.

Q. What number? A. No. 231.

Q. No. 231 West Fortieth street. Do you live in your own house? A. No, sir.

Q. In whose house? A. A Mrs. Baker's.

Q. Is it a boarding-house? A. It is a lodging-house; not a boarding-house.

Q. Do you take your meals in that house? A. No, sir. Out.

Q. Where do you take your meals? A. At Parker's, or any other place.

Q. Wherever you happen to be. Are you now a married lady? A. No, sir.

Q. Are you living there alone? A. Yes, sir.

Q. What is your business? A. No business at present.

Q. What is your means of support? A. I have at different times got my living by copying, sewing, and sometimes drawing.

Q. In what way have you got your living during the last six months? A. A part of it in that way, or at least some part of it.

Q. Now give the name of any place where you have done any copying, and for whom. A. I have done writing for Mr. King.

Q. Anybody else? A. I did writing one time for a lady in Gordon's pianoforte warerooms, on East Thirteenth street, New York.

Q. Anybody else? A. Well, I could not exactly tell all the places. I have advertised in the "New York Herald" for a situation to do copying and writing, and got copying, with some other things, through that.

Q. What has been your income as a copyist during the last six months? A. There is no income only what I occasionally get, and never has been.

Q. How much have you received, how much have you earned for copying during the last six months? A. That I could not tell you; it is according to what I did.

Q. About how much? A. I don't know.

Q. How long have you lived at this place in Fortieth street? A. Two weeks.

Q. Where did you live next before going to Fortieth street? A. East Thirty-third street.

Q. What number? A. Number 161.

Q. Did you keep your own house? A. No, sir.

Q. Whose house was it? Who kept the house? A. It was a flat.

Q. You lived in a flat. You kept house? A. No, sir; I boarded with a lady.

Q. What was the number of the flat? A. It was the first flat.

Q. On the first floor? A. Yes, sir.

Q. What was the name of the lady? A. Mrs. Sobeck.

Q. What was her full name? A. Annie Sobeck.

Q. How long did you live with Annie Sobeck? A. I have

lived with her ever since I went to New York, in different localities.

Q. How long have you lived in New York? A. Over four years; more than that.

Q. And copying has been your means of livelihood during that four years? A. Yes, sir, the greater part.

Q. No other means of livelihood?

Gov. Butler. May it please the committee. I suggest whether this has not gone far enough. You and I know, Mr. Chairman, that this woman cannot be contradicted upon any one of these matters, because they are not pertinent to the issue.

Mr. Brown. I don't know; we seem to be able to do most anything in this case.

The Chairman. It seems to me the cross-examination of this witness has not been pressed too far.

Gov. Butler. I would like a vote of the committee. Here is a woman who has come here and told her story; and this investigation has suffered, although I have not interfered, because I should have been subject to remark if I had — because the cross-examination has tended in every instance, and has been directed to bring the witnesses into disgrace. It is a weapon of defence which I have suffered up to this time. Now, I have here before me a committee of gentlemen; and whether this young lady is to be pressed upon the question of her means of living is a question which I want a vote of the committee upon.

The Chairman. I will submit it to the committee.

Mr. Brown. May I say a word, Mr. Chairman?

The Chairman. Yes, sir.

Mr. Brown. I want to say, Mr. Chairman and gentlemen, that it will make very little difference whether this comes out on cross-examination or not. If there is anything in the life of this woman that it is important for this committee to know, it is going to be known if I can get at it by any power at my disposal. I have my own opinion about this witness. I think the impression she has made upon this committee is an impression that will justify a very rigid cross-examination. As for the fact that these witnesses have been cross-examined, I desire to say, Mr. Chairman, that it is the misfortune of the prosecution of this case that up to this moment, unless this is one of them, there has not been a witness whose character, reputation, and standing in this Commonwealth was not the subject of criticism, as I shall show if I ever have an opportunity to put in my case.

Now, I submit that I am conducting this cross-examination with all fairness, with all courtesy, with all respect for this woman; whoever she is I know not. I want her to tell her story on her oath, and, by the help of God, I intend to have it.

Gov. Butler. Her story may be told upon her oath, and has been told. I don't know that I am called upon to answer the aspersion upon every witness called.

The Chairman. It don't seem to me now to be the proper time to discuss that. The other side went a little too far in that direction.

Gov. Butler. You sat exceedingly quiet, Mr. Chairman, while the assertion was made on the other side. I think, may it please the committee, that witnesses have rights here like other people. The only thing I have seen against some of the witnesses has been that they had the recommendation of Marsh and Lathrop. There have been honorable men, people trusted with high trusts and employments by the officers of this State, put on by me; and I don't think it my duty to sit here and have this wholesale statement made against the people whom I have called. And for the reason that this wholesale slashing statement is meant to prevent, in my judgment, — meant to prevent my calling witnesses and getting them here to tell what they know. Some have already left the State rather than come here. Now, it is not a copper's consequence what this lady should answer upon it, but I desire to see if this investigation is to be upon and into the lives of every person except the Marshes. And I call upon you as men. Your daughters may be seduced in their tender years and have to go to this hell upon earth, because they have no settlement. [Applause.]

The Chairman. Mr. Doorkeeper. I shall repeat the order I gave yesterday, that unless the committee direct otherwise, in case this applause is repeated the room must be cleared.

Gov. Butler. I have no objection to that.

The Chairman. This is too solemn a matter to be treated in this light way. Applause on the one side may lead to disapprobation on the other, and we shall be turned into a mob instead of a committee which ought to be somewhat judicial in its nature. Now be kind enough to abstain from applause.

Gov. Butler. Now, what would you do? Just let us see the consequences. Suppose this witness should say: "I don't choose to answer." Is there a gentleman here that would vote to send her to jail? Certainly they won't vote to send her to Tewks-

bury. What are you going to do? You and I know, as lawyers, that she cannot be contradicted in any statement on this collateral matter. If they can show that this lady is improper — she has given with great freedom and answered with great explicitness and exactly where she has lived, where she is to be found, who she is to be found with, and given them an opportunity to search into her character, if that comes in issue; and you and I know — I know what the imputation is, of course, — I am not blind, nor a child — if they could prove that this woman had lived a life of wrong in regard to chastity, an unchaste life, it should not be heard here in contradiction of her story, or any attack upon her character for a moment. For you know, as a lawyer, and everybody knows, that the whole question is: What is her character for truth and veracity? How is that affected in a legal manner by where she gets her living, or how? They are seeking to pry into her private business. Will the committee observe that naturally this woman would not desire to bring before the country, not what she says here, but her dependence on the people that have been kind to her and befriended her in her worse than orphanage, whether they did it from good or bad motives. And I appeal to the humanity of the committee to protect a woman who was there without fault of hers, except that fault which the law would not have punished in her but in somebody else. Kindly and tenderly brought up; well educated; her adopted father's house, his standing and everything else can be examined so far as known; connected with no institution likely to lead her away, except the State Normal Art School, where they mould nude figures in clay. She has told the story; she has answered every question in regard to it, and so far as I am concerned I will instruct her to answer every question, and I will aid the committee in every way to cause her to answer every question that relates to what took place at Tewksbury, or anything connected with what she knows of there; and she puts herself, you see, and I am willing she should, in position to be contradicted if she has not told the truth: first, by the records, so far as there are any records; secondly, by these nurses, McKenna and Rowell; thirdly, by the Marshes, concerning whom she swears that this man who, for his superintendence was receiving $1,800 a year salary and the support of more children and grandchildren than most people are blessed with; and his wife, the matron of this foundling ward, she never has seen for four months — we are ready to meet all that. I make

a point of this, not because it is of any consequence, but because I have been smarting up to this time under the almost tearful prayers of the people that I would not call them here as witnesses; and in some cases I have let them go.

Mr. Brown. I appreciate all that His Excellency has said. I understand now why he winces, as he never has winced before in this hearing. And the chairman and gentlemen of the committee will recollect that Shakespeare has said that it is the "galled jade" that winces. We have a woman here with so little modesty that she dares come to Massachusetts and proclaim her infamy. And I am simply asking her legitimate questions, questions which His Excellency knows perfectly well are open to every counsel on cross-examination, and have been in every case he ever tried. For I have sat in the court-room by hours and heard him ask questions of this character — as to the conduct, the character, the circumstances in life of the witness who has been upon the stand. I have heard him interrogate witnesses by the hour upon that subject; one of the most notable of which was that great case against the city of Boston, when it was sued by a New Jersey firm for the price of certain iron water pipes, down in the United States Circuit Court.

Gov. Butler. It happened to be against the city of Salem.

Mr. Brown. I should have said against the city of Salem. The city of Boston, I think, was trustee.

Gov. Butler. Oh, no.

Mr. Brown. Very well. That is the case, and you, no doubt, will recollect it, and recollect your conduct there.

Gov. Butler. I do; and the verdict, too.

Mr. Brown. And you don't deny what I have said?

Gov. Butler. I did certainly examine those witnesses on character and conduct, but I did not ask them their income.

Mr. Brown. I don't ask this woman her income, but I ask her means of livelihood, what is her business. Now, I say that if the honor of this Commonwealth— I appeal to you, sitting here charged with the good faith and the character and the honor of this Commonwealth,— to say whether the good name, the reputation of this Commonwealth, or of any citizen, or of any institution can be defamed in this contemptible way by a woman who comes from New York, and who don't dare, neither does her counsel dare, to let me interrogate her as to her business.

The Chairman. The question for the committee is, whether this line of cross-examination shall be allowed to proceed.

Mr. Putney. Mr. Chairman, I would like to inquire how far it would naturally lead to before I vote upon it.

Mr. Brown. I answer the question with a great deal of pleasure. If I believe she answers me truthfully my questions will be very few in number. If I have reason to believe that she does not answer me truthfully, I shall try, according to the best of my ability, to get the truth out of her.

Gov. Butler. Truth upon an immaterial matter.

Mr. Brown. Truth upon a material matter.

Gov. Butler. Truth upon an immaterial matter.

Mr. Brown. Immaterial in your judgment, if you say so; but I think you admit you have done it hundreds of times.

Gov. Butler. I have made no such admission. Never did it in my life.

Mr. Putney. I would like to inquire of Mr. Brown if there are not other means by which he can get at this evidence without getting it from this witness.

Mr. Brown. If this woman has answered me truthfully as to where she lives and who her associates are, — which I very much doubt —

Gov. Butler. I will give you Mr. King's letter, if you want it.

Mr. Brown. I would like to have it. Give it to us.

Gov. Butler. I will. [Sends for the letter.]

Mr. Brown. I may be able to establish every fact which I desire, but at great expense. It would involve sending a messenger to New York, or employing assistance in New York, to look up this woman; and that for the simple purpose of protecting her from answering a question which she could have done in a twentieth part of the time in which His Excellency and myself have been discussing this question. But I repeat, if this woman has answered me truthfully, this committee shall know her record, and there will be no dodging about it.

The Chairman. Has any other member of the committee anything to say? If not I will put the question. Shall counsel be allowed to proceed with this line of cross-examination? [Vote taken.] Four; the chair votes in the affirmative, and counsel may proceed.

Q. (By Mr. Brown.) You have no other means of livelihood except copying, have you? A. I have done drawing, writing and plain sewing.

Q. Any other means of livelihood except copying, drawing,

and plain sewing? A. No, sir. Of course I have had a good many friends of my father's that I have written to at times, and have got money from them — different parties.

Q. And where did your father live when he died? A. In Chelsea.

Q. What street? A. No. 70 Middlesex Street.

Q. And he died in 1877, as I understand you? A. Yes, sir; either in January or February.

Q. You were at Tewksbury in 1875? A. Yes.

Q. And you were discharged when? On the 19th day of October? A. Yes, sir.

Q. Well, now, your child died on the 18th; what was the name of your child? A. Fred Bowen.

Q. Any middle name? A. No, sir.

Gov. Butler. We will have that letter as soon as we can get it.

Q. Now how old was your child when it died? A. About seven months.

Q. Seven months old. Where were you when your child was born? A. No. 6 Oak Place.

Q. And from that time, after the birth of the child, how long did you remain at Oak Place? A. Until the child was nearly a month old.

Q. And then you left; where did you go? A. Went to Dedham.

Q. To the Dedham jail or house of correction? A. No, sir.

Q. What was it? A. The asylum for discharged female prisoners.

Q. Was that a private or State institution? A. State, I think.

Q. Now, I want you to tell me more in detail how you came to go to that institution at Dedham. You said you were taken into some court? A. Well, from Oak Place; I think my father, at least my father did wish to put me in some place where, I suppose, he would not have to pay my board.

Q. What court did you go into? Where were you? Was it here in Boston? A. Yes, sir.

Q. And in 1875, you think, do you? A. Let me see, — yes, sir; it must have been in the last of April, 1875.

Q. Now, do you recollect where the court-house was into which you were taken? A. No, sir, I do not; it was down

there opposite the Parker House, in what you call, I think, Court Square.

Q. Do you recollect who the judge was? A. No, sir. I know I saw a gentleman with gray hair in a little room — a little small room.

Q. Do you recollect whether it was Judge Bacon? A. I don't know.

Q. Now, there was some proceeding? There were some papers made out? A. When we went in — at least when we started from Oak Place, my father asked me to go out to take a walk with him; he didn't tell me where we were going. We went out and walked down that way, and he took me into the side door of the court-house, somewhere about there; went into the little room, and we saw the gentleman that I took to be a judge; and he took me out in the hall, and my step-mother, as I called her, was in there with another lady, evidently waiting. The gentleman took me out into the hall at the side, and asked me would I give away the child. I told him no, and he said, "Well, when you come inside here, you answer yes to every question that I put to you." When we went in —

Q. Who said that to you? A. This gentleman that I took to be the judge.

Q. He said you must answer yes to every question? A. He said: "I advise you to say yes to whatever I ask you."

Q. Now go on. A. So when I went in he told my father it was all right, — he seemed to be a friend of my father's, Mr. Bowen's. We sat down, and in a few minutes he asked me to stand up, and would I give away the child. I said: "No." He said: "Have you been disobedient to your parents?" I said: "Yes." Then my father signed some paper, and my mother, and that was all. He gave my father the papers, and we went out of there.

Q. You think that was in the month of April? A. I am sure.

Q. Sure it was in the month of April, 1875? A. Yes, sir.

Q. And from there you were taken and carried to Dedham. Do you recollect who took you to Dedham? A. My father.

Q. Do you recollect whether he had any papers showing you were committed? A. He had papers; yes, sir. We went from this court-house to the State House, in some room, I don't know where, — I think we went through the library, — and there we saw another gentleman; and he didn't say anything to

me, — an elderly gentleman, stout. My father talked with him and showed him the paper that he got from the court-house. Then we went out of here and went into the house of Mrs. Rose Lamb, at 15 Somerset Street, that used to visit me at No. 6 Oak Place, and he told her it was all right, whatever it was, and that I was going to Dedham the next day.

Q. Well, now, where was your child all this time you were at the court-house? A. With the nurse at No. 6 Oak Place.

Q. You understood you were going to Dedham? A. I didn't know where it was.

Q. You didn't know where it was all this time; but the next day your father came for you and he took you to Dedham? A. Yes, sir.

Q. Now how long did you remain in Dedham? I would like you to state as nearly as you can. A. That was, I think, the last of April that I went there.

Q. How long did you remain there? A. Until some time the first of July.

Q. And during that time you had your child with you? A. Yes, sir.

Q. Now I want you to tell me further, how you came to go from Dedham to Tewksbury. A. I was sick at Dedham.

Q. But first, were you in Dedham, at this institution, under your present name? A. That I don't know; my father told me never to mention my name to any of the inmates.

Q. Do you know what name you were under? A. No, sir. They always called me Eva, — that is my right name, — but never anything else. He told me never to tell my name there.

Q. Well, did you? A. No sir; that is, to none of the inmates.

Q. Now do you recollect any of the nurses or attendants who were at Dedham? A. Yes, sir.

Q. Give me their names. A. There was a Mrs. Cook, the matron of the laundry, and Mrs. Fields was the housekeeper, and her husband was the only man about the place. And I cannot think of the lady's name, that is the matron of the whole place, — Miss — she was a maiden lady.

Q. Now do you recollect any of the inmates whom you saw there? A. I recollect a good many of them; I perhaps might not remember their names.

Q. Do you recollect the names of any of the inmates you saw there? A. There was one that was in the nursery that

used to tend my baby; her name was Hannah. They didn't call any of them except by their first names.

Q. Well, now, you were at Tewksbury, and went directly from Dedham to Tewksbury? A. Yes, sir.

Q. Now, when you first went to Tewksbury were you put into this hospital? A. Yes, sir; in the little room off the long ward, on account of having a child.

Q. Now, do you recollect, with reference to the main building, where this hospital was located? A. What do you mean; the situation?

A. Yes. Where was it? A. The buildings were all around, and in the centre was a garden, and a little — probably a green-house, in the centre. Then the hospital was on the left-hand side, as you come into the large gate.

Q. And with reference to this hospital, where was the insane building? A. The insane building was next to the hospital; as you go around it would be on your left.

Q. It would be on your left? A. Yes, sir, as you come into the gate.

Q. Have you given the names of all the attendants that you recollect were there? A. Yes, sir. Oh, no; there was Mrs. Wardwell, that they called the head matron, who used to go in in the daytime at certain hours and look around.

Q. Now, give me the names of any that you can recollect whose names you have not already given. A. Where?

Q. Who were in the hospital as attendants or nurses, or any officers? A. The names of those that I saw I have given: Mrs. Rowell, Miss McKenna, Mrs. Wardwell, and the night nurse; I think her name was Page,— something that began with P, anyhow, and her husband was in the insane building; that was all.

Q. Now, do you recollect the names of any of those patients that you have spoken of as having been treated in this way? For instance, do you recollect the name of the large woman who you say was crowded into a box after she died? A. No, sir; they never called their patients except by the first name, — as "Sarah," "Mary," or something like that, and those names I don't remember.

Q. Your baby was in the hospital with you all this time? A. Yes, sir; with me.

Q. What was the name of the woman who you say had her

feet eaten by the rats? A. That I don't know. They never used to call them by any names except as I have told you.

Q. And you never heard even her first name? A. No, sir; not to my knowledge.

Q. How many patients were there in this ward where you were, at any one time? A. In the room I was in there were not over three at any one time.

Q. That is a small room? A. Yes, sir.

Q. Was this divided up into small rooms, or were there only two? A. Only two rooms. You came up three little steps, and on the left was the room I was in, and on the right was the bath-room; that is, the room with two bath-tubs.

Q. Now, how many little rooms were there? A. Only two on that floor.

Q. Now, how many persons were there in these two rooms besides yourself? A. Sometimes more and sometimes less. Sometimes upwards of fifty, and sometimes less.

Gov. Butler. The other room was a bath-room.

Q. I don't mean the bath-room. You and two others were in one room? A. There were none in the other small room; that was the bath-room.

Q. Now, you say there were fifty or more in the long ward? A. Sometimes a great many more and sometimes less, very many less.

Q. You were in this small room all the time you were there? A. Yes, sir; all except —

Q. Now, pray tell us how you knew what was going on in the large room? A. Because I was well and used to come down the steps —

Q. But nights. You were not up nights? You went to bed nights? A. No, sir. I very seldom ever slept.

Q. Up all night? A. Up the greater part of the night, walking along the long ward, and sitting on the steps with the night nurse.

Q. In October? A. Yes, sir; all through the summer.

Q. Well, in September and October the nights were rather sharp. How did you get clothing to keep warm with in September and October nights? A. Well, I had some given to me, all my old clothing. At least the clothing that I wore, for I asked the nurse's permission to go to the store-room and get it. And I went, I think with Mrs. Rowell, and got the clothing out of my trunk, and wore it all the time I was there.

Q. So that you had sufficient clothing? A. Yes, sir.

Q. Was your baby sitting on the steps with you? A. No, sir; he was usually asleep.

Q. Your baby was healthy up to within a few days before it died? A. No, sir; he was not well, not lively for several weeks. He had the cholera.

Q. Now, you say you were there how many weeks, at Tewksbury? A. Well, it was over three months.

Q. That is to say, it was exceeding twelve weeks that you were there at Tewksbury? A. Oh, yes, sir. I went there sometime the first of July, and left the nineteenth of October.

Q. In this hospital where you were they were dying at the rate of fifteen a week? A. Probably an average of twelve or fifteen a week; yes, sir.

Q. Twelve a week, and sometimes more? A. Each week; yes, sir.

Q. In other words, there were about one hundred and fifty deaths while you were there in that hospital, in about twelve weeks? A. That I don't know; but I think they died there every day, and sometimes two.

Q. You have already said —

Gov. Butler. That is what she was told.

Mr. Brown. She knows what she said; pray don't instruct her.

Gov. Butler. I am only getting it as she said it.

Q. Now, how many did die each week? A. I certainly don't remember the number, but I know that was about the average.

Q. You know that of your own personal knowledge? A. That is in the summer months.

Q. In October? A. In the summer.

Gov. Butler. Send for the records of death for 1875.

Mr. Brown. I have got it right here. There were three hundred and fifty-two in the whole hospital, in the whole year, if you want to know.

Gov. Butler. Well, you don't give the months. I want to get the months.

Q. Well, these people died of the cholera? A. The greater part of them.

Q. You are sure about that? A. Yes, sir.

Q. What makes you sure they died of the cholera? A. Because the doctor spoke about them all having the cholera,

and, as I told you before, told me not to go into the water-closet, and to keep away from the other patients, because she said it was contagious; and the nurses also told me so.

Q. Well, you know it was the cholera because you were told so by the nurses and doctors? A. Yes, sir.

Q. Now, give me the name of any doctor who told you that cholera was in that hospital that year? A. Dr. Marsh.

Q. Nellie Marsh? A. Yes, sir.

Q. She is dead. Give me the name of some of the living, if you can? A. Both of the nurses, Mrs. Rowell and Miss McKenna.

Q. Did Dr. Lathrop ever tell you it was cholera? A. I never saw such a person to my knowledge.

Q. Who were the doctors visiting the hospital? A. I never saw any doctor in there except the night when Dr. Marsh gave me the medicine that made me sick, and then I was on the bed, and didn't know who the party was. He felt of my pulse and felt of my chest, and talked; and that was the only time I ever saw a man.

Q. The only time you ever saw a man there who was a doctor? A. Yes, sir.

Q. Now, you studied at 23 Pemberton Square? A. At 33 Pemberton Square.

Q. Who was the artist under whom you studied?

Gov. Butler. I take it it was the Normal Art School.

Mr. Brown. I ask who the artist was. There must have been an artist if it was an art school.

The Witness. There were different teachers, but the superintendent was Mr. Smith.

Q. A stout, thick-set man? A. Yes, sir.

Q. How long were you at this art school? A. I was there, I think, one month in the spring; probably May or April.

Q. What year? A. It must have been 1874.

Q. That was the year before your misfortune? A. The same year.

Q. Now, you studied under somebody else in the Studio Building; who was that? A. That was previous to this time, when I was a good deal younger; it was a German artist by the name of Waitts.

Q. What was his full name? A. R. Waitts; that is all I know.

Q. Now, in 1874, the year before you went to Tewksbury,

do you mean to say you took lessons anywhere except in the Art School? A. I used to take lessons in Chelsea of Miss Mayhew and Miss Webster.

Q. Do you recollect their full names? A. I don't think I ever knew.

Q. Do you recollect the street and number? A. Miss Webster was on Middlesex Street at one time.

Q. (By Gov. Butler.) In what city? A. Chelsea.

Q. (By Mr. Brown.) Where was Miss Webster? A. That was her.

Q. Where was Miss Mayhew? A. I think down on Chestnut Street, I am not sure. She was a portrait painter, and so was Miss Webster.

Q. Do you recollect the number? A. I don't know; some little street down near Chestnut Street or Walnut Street. That was when I was probably eleven or twelve years old.

Q. Now, after you came from Tewksbury, you went back to Dedham? A. Yes, sir.

Q. How long did you stay at Dedham? A. I remained there until the following September, I think.

Q. That would be September, 1876? A. Yes, sir.

Q. You were there as an employee, or as a convict? A. Where?

Q. At Dedham. A. Well, — a convict?

Q. Yes; you were there under this sentence, under these papers that you say you went under in the first place, at Dedham, or were you there as an employee? A. There was no one employed there except the matron.

Q. How were you at Dedham, anything more than that you were transferred? A. Nothing more than that.

Q. You don't know anything about the papers? A. Nothing at all. My father had the papers.

Q. You stayed there until when, in 1876? A. September, 1876.

Q. And you were then seventeen years old? A. Yes, sir.

Q. Then where did you go to? A. Then I went to the Consumptives' Home at Grove Hall.

Q. How long did you remain at the Consumptives' Home at Grove Hall? A. Two weeks, about.

Q. And that was in September or October? A. Either one or the other.

Q. You cannot fix exactly the date. Now, after you left the

Consumptives' Home, where did you go? A. Since that I have taken care of myself.

Q. Since October, 1876, you have taken care of yourself? A. Yes, sir.

Q. Now, pray tell us where you went to from the Consumptives' Home for the purpose of taking care of yourself. A. I stayed a short time in Boston, and then went to New York.

Q. Whereabouts in Boston? A. Well, the numbers of the streets I don't remember. I lived on Davis Street, here in Boston.

Q. What number Davis Street? A. That I could not tell you.

Q. Who kept the house? A. It was a widow lady.

Q. What was her name? A. That I don't remember either.

Q. Don't remember the name? A. No; I lived at several places here in town.

Q. Now besides the place on Davis Street, the number of which you don't know, kept by a widow lady, whose name you don't remember, where did you live? A. I lived —

Q. By the way, before you go to that, what name did you go by at this house on Davis Street? A. I did not go by the name of Mary Bowen.

Q. Did you go by the name of Eva Bowen? A. No, sir.

Q. Tell me what it was, please. A. The name that I adopted for my own, I would not care to tell.

Q. Please tell us; please tell us.

Gov. Butler. You can keep that matter to yourself; I don't think you are bound to tell.

Mr. Brown. It is important that the Governor should know it.

Gov. Butler. Not at all. It is not of the slightest importance.

Mr. Brown. I think it is.

Gov. Butler. Well, I must judge about that.

Mr. Brown. Let me exercise my judgment occasionally.

Gov. Butler. Certainly, but not exercise mine.

Mr. Brown. I want to advise you.

Gov. Butler. Pardon me, but I have better advisers.

Q. What is that name, please? A. That name I should not tell, I don't wish to tell, simply because the other name, I think, disgraced me.

Q. Now, let us see. Your real name is — A. Mary Eva Bowen.

Q. Is that the one that you think disgraced you? A. Yes, sir.

Q. Then, you had no hesitation in coming here and telling us the name you thought disgraced you? A. Why should I?

Q. Well, I don't know. Now pray give me the name that you go by. The name you had you don't go by? A. The name that I at present go by, and have gone by, I should not tell, as I said before, on account of not wishing my friends who have benefited me to know my circumstances.

Q. Now, pray tell me, how it is possible for me to get any trace of you in New York, if I don't know the name you go by? I am going to look you up, and I want to know the name you go by.

Gov. Butler. Go to the place where she lives.

Mr. Brown. And call for Mary Eva Bowen, and they will say there is not anybody there by that name.

Gov. Butler. Call for a lady about such a size, and they will tell you she is there.

Mr. Brown. That is not the way I am accustomed to call upon my lady friends.

Gen. Butler. You are not going after a friend this time.

Q. Now, tell me; what is the name you go by in New York, or what is the name you say don't disgrace you?

Gov. Butler. I object.

The Chairman. Why shouldn't he know the name of the witness?

Mr. Butler. For this reason, — and the witness has stated it as well as I: I have the record in Tewksbury, in Dedham, and at No. 6 Oak Place, in this name, Mary Eva Bowen; and her child in the grave at Tewksbury. That identifies her on that record. Now, this lady says that she, having been disgraced under the name of Bowen, chose, when she took care of herself, not to carry that name, which could be traced by every record in court and other places, and to live under another one. I think that ought to be respected. I have told counsel that he shall have the letter of Mr. King —

Mr. Brown. Will you let me see the letter of Mr. King?

Gov. Butler. She has told him where he can find her, but it need not be published to the world, unless you wish to crush this woman, and prevent her having a decent place in the com-

munity where she lives. If that is the object, you can make yourselves *particeps* to it. But I protest that that should not be done, and it is not necessary for this investigation. My messenger found her at one of the places she has indicated, and can find her again when she returns. And I suppose no gentleman will then undertake to punish her for telling the truth under oath here, by taking away her chance of being sheltered, to earn her living, and of taking care of herself, now being an orphan. There is no question of identity here. If this woman does not appear on all these records, then she will be utterly disgraced as a witness, and discredited here. If she does, it would be cruelty beyond cruelty, worse than she or anybody else has suffered in Tewksbury, to drag it out for the purpose of throwing her upon the world again as she was thrown once before. And I should hope that the committee, at least until there gets to be a full committee present, won't insist upon that by a vote of five to four, which numbers will become in the history of the country thereafter words as famous as eight to seven.

Mr. Brown. Mr. Chairman, I would like to reply; but I would like first the letter from Mr. King.

Gov. Butler. Pardon me; not now.

Mr. Brown. You said you would send your messenger for it, and I should have it.

Gov. Butler. Certainly.

Mr. Brown. Now, I ask for it.

Gov. Butler. Not now, sir.

Mr. Brown. You refuse to give it to me?

Gov. Butler. No, sir; I refuse now to interrupt this business.

Mr. Brown. Very well; when shall I have it?

Gov. Butler. When I get ready to give it to you.

Mr. Brown. That is about what I supposed your promise would amount to.

Gov. Butler. Pardon me, but I shall make good my promise.

Mr. Brown. Now, I want to call the attention of this committee to a single fact. Never in the history of this Commonwealth, before any legislative committee, was there ever another such scene as is presented here this morning, — never.

Gov. Butler. Never.

Mr. Brown. Here is a witness whose character His Excellency says I have the right to attack for the purpose of showing

whether she is a woman of truth and veracity, — mark what His Excellency said a few moments ago —

Gov. Butler. Yes.

Mr. Brown. Her reputation for truth and veracity is open to me on his statement. Now, how in the name of heaven am I to know what her reputation is for truth and veracity if I cannot find out where she is, and who she is, by the name by which she is known in the community where she lives? I would like somebody to answer that question, if it is possible.

Gov. Butler I will.

Mr. Brown. Well, sir; I would like to hear it.

Gov. Butler. Not now.

Mr. Brown. And I say this to the committee: that if the committee allow this thing to proceed, instead of being an investigation to get at the truth, it is an investigation to cover up infamy; it is an investigation to prevent me from getting at the truth. Because, it is my right, and it is the right of this committee, to know what the history of this woman is, and what her character is for truth and veracity, — I limit it to that now, because that is the ground on which His Excellency says I have the right to pursue her. Now, I ask again, and I appeal to every man on the committee, not to the absent men, but to the men who are here, if this investigation is to be anything except a farce for a political purpose this year and next, I say let us have some means by which we shall know who the people are who come here to testify. Let us have the key, the name under which they live in the community where they live. And I am astonished that a gentleman of so much ability, holding the office of chief magistrate of this Commonwealth, should undertake to exclude me, or any other citizen in this Commonwealth, from ascertaining exactly whether this woman, who is a stranger to me, and appears to have been a stranger to him until the letter of King — prevent me from ascertaining whether she is a woman of truth and veracity, and what her reputation is in that respect. Can I have the letter of King now?

Gov. Butler. Not now.

Mr. Brown. Pray, when?

Gov. Butler. When I get ready.

Mr. Brown. Is that all you purpose to do?

Gov. Butler. That is all I purpose to do. I never purpose to do anything until I get ready to do it.

Mr. Brown. I knew that, but I didn't know but what you let up once in a while.

Gov. Butler. I should not be bullied into it easily. Now, then, I want to call your attention. This woman, when they search her up, they can find out what her character is just as well under one name as under another, precisely. They have got to identify the party. The name would not identify it. Let me return a moment. Suppose men were corrupt enough to do it, and they would go to New York and find plenty of people who would swear that the name I should give them, — as to her truth and veracity, — was not the name she went by there. And supposing that name identified her, I suppose there may be people, if she was unfortunate enough to take the name of Smith, who are not of good character in New York. And the name would not be an identification. That is a fetch. I put it on this ground; I will give the letter not only to the gentleman but to the committee; I shall hand it to the chairman and he shall hand it to the gentleman, so we won't have any mistake about it. But I am too old a lawyer to be driven from my sense of what I believe to be my duty. And my duty is, as upon my personal letter to her friends that she should be protected if she was brought here, to protect her; and I will protect her to the extent of my power and ability. I will not permit her, if I can help it, to have her former history disgrace the honest name she bears. She has told you her story, answering with a frankness and a particularity, and an openness which upon unprejudiced minds would be conclusive, and using that simplicity which carried the truth, the evidence of its truth, to every mind that is not steeped in political prejudice — because I have never used that word here before this investigation: not until the accusation was made that I am uncovering this sink of corruption and wickedness that has been going on here since 1858 for political purposes. I beg your Honor's and the committee's pardon. I didn't volunteer to come here. I didn't start this investigation. I didn't recommend it even. I asked for power to investigate, from the hands of the legislature, into these infernal corruptions and abuses. Three months have passed by and I have not heard any reply to the request. Then the committee said: "You have said certain things in your inaugural: will you produce the evidence?" I said: "Yes, I will." And then I hear the slang of the newspapers repeated here, that it is done for political purposes. And you are trying, then, — I suppose the

corrollary comes, — to cripple me for political purposes. Haven't I the right to put that back when the counsel put the other? Mark, I have not used the word political, nor have I made a political insinuation or innuendo even, since I have been here. On the contrary I took pains to say at one time that I believed if these facts had been known by the respectable gentlemen, — by the respectable gentlemen who are on the board of trustees, — and the respectable women that I know to be here, they would have corrected the evil, if they have not done so. That is to be seen. Now, then, I will stand here simply as the protector of this young woman, to give her a chance once more in life, — betrayed by a seducer, which is not the only case among the pupils of the Normal Art School, as an investigation of that institution by a former committee discloses. Now you may order her to give the name, and I submit the question to you whether you will or not. I suggested that we should have a full committee. There are gentlemen absent who would like to vote, I have no doubt, upon this and kindred questions if they are political ones.

Mr. Brown. I have no doubt about it.

Gov. Butler. Certainly. Why shouldn't the minority be represented more largely than they happen to be now? So, I trust, gentlemen, I have not endeavored to make this a farce in any way or form. It has been the most solemn and painful duty that has ever, in a long life in public and private business, been imposed upon me. I agree it is like uncovering the nakedness of a mother; but that nakedness came to her when she was asleep. That exposure, the sore, she received when she was asleep; and we are not, therefore, to shrink from showing the man that made it. It is not her fault; it is her misfortune, which I shall expect you, gentlemen, to aid me in remedying. That is the purpose of this investigation; and not to crush this poor woman whom our unfortunate laws have crushed enough already.

Mr. Brown. Mr. Chairman, I would like to say one word in regard to the remarks of His Excellency.

The Chairman. I desire to make one or two remarks myself in regard to that. You may go on for a moment, Mr. Brown.

Mr. Brown. I find the record sets forth in four distinct places that His Excellency declared to this committee in two instances that whether the committee permitted this evidence to go in, — that is, the evidence under discussion, — or not, it

should be submitted to the country,—not to the Commonwealth, but to the country. For what purpose? Is there any reason, Mr. Chairman and gentlemen, why this investigation should not be proceeded with with closed doors?

Gov. Butler. I have not objected.

Mr. Brown. You have not objected, it is true.

Gov. Butler. No; I said, turn them out.

Mr. Brown. But you have said four times that the country should hear this testimony,

Gov. Butler. Certainly.

Mr. Brown. Now, in the name of heaven, for what purpose can the country listen to this testimony except for a political purpose? The men who have charge of this institution are within this Commonwealth. They are respectable men and women, I am told, and if so, when these errors are suggested to them, they will use their utmost endeavors in undertaking to remedy these evils. And I repeat again, that the declaration, four times made, that this hearing and this investigation is for the country, means something more than His Excellency is now willing to admit.

Gov. Butler. Will be *heard by* the country is the word I used.

Mr. Brown. Will *go to* the country. Now a single word in regard to this piece of testimony. I submit that His Excellency has not replied to the principle of law nor to the question of fact in any way, shape or manner. He has not explained to this committee how this person may be identified. He says the person may be identified. How, pray? Suppose I go to Fortieth Street and ask for Mary Eva Bowen. Why, I should be informed at once that there was no such person there as Mary Eva Bowen. Well, is there a slight lady, light-complexioned lady, with light eyes and a fair face, living here? Well, suppose there is, what of it? I would like to know what sort of a reception a man would get if he should go to His Excellency's house and inquire for a light-complexioned lady, a slight lady, whose name he didn't know. I say the very first thing that it is necessary to know, and a thing without which His Excellency could not proceed, is the name; and he does not dare now to show me the letter of King lest I should know the name.

The Chairman. I desire to say one thing.

Gov. Butler. Will you allow me one word?

The CHAIRMAN. Yes, your Excellency.

GOV. BUTLER. Because I think I am not to be closed upon every time this way.

The CHAIRMAN. I think we will rule now that you shall have the close of this particular matter at least.

GOV. BUTLER. Yes, sir; and I want to say why I said this would go to the country. It is because the country is interested in it — not politically. It is because in all the States of this Union there are almshouse correlatives of this. And if you read the morning papers you will find that this investigation has caused an investigation in Chicago, and they have found that there have been men there selling bodies to the amount of six thousand dollars a year. And the good of this investigation is that it is going to wake up all over the country investigations into these abuses that men, good men, have been sleeping over. That is why I said the evidence should go to the country. And the great advantage, the advantage without which I could hardly justify myself in being here, that is going to result from this investigation is, that all over this country the attention of good men and good women is going to be called to these institutions and their abuses sought out. I never had a political thought about its effect upon the country in any other way than that, and that certainly is not a political thought. But the learned counsel says that he can conceive of no other reason why I think it should go to the country, than a political one. Scales, may it please the committee, can only weigh according to their capacity. You cannot weigh a load of hay on a fishmonger's scale; it is impossible. And the counsel judges me exactly according to the ideas he has in his own mind, and says it is a question of politics. He admits here that he has not perceived the wider, higher, humanitarian and philanthropic aspect of this case.

MR. BROWN. I said I could not conceive of your having any other purpose.

GOV. BUTLER. Pardon me, there goes the fishmonger's scale, attempting to measure a load of hay.

MR. BROWN. The scale seems to be large enough for the purpose.

GOV. BUTLER. That is the very trouble; that is the difficulty. He could not conceive of my having any other purpose because he hadn't the capacity to conceive it. That is the point I take, and he admits it. Now let us brush away all this. It don't

belong here and should not have been introduced. It is the discussion of a plain question: first, of law; second, of propriety; and third, of humanity. In discussing that I confined myself to those aspects of it. And I trust that hereafter the political idea won't be advanced by anybody; it won't be advanced by me, unless in reply.

The CHAIRMAN. Now I desire to say in answer to the Governor, in the remark made by him that another vote of five to four might hand this committee down to the country as another committee has been handed down where the vote was eight to seven, it struck me as a remark that was exceedingly improper for any counsel in any court to make to the tribunal before which he appeared to present evidence. The vote of five to four taken here an hour ago, was made by a committee of nine, seven of those present being Republicans and two Democrats. The vote was equally divided, four to four. I deemed it my duty, as chairman of the committee, to solve the doubt; and believing that the cross-examination of the witness had not proceeded too far under the extraordinary circumstances of the case, I voted in the affirmative to allow the cross-examination to proceed. Now I must say that the remark of His Excellency seemed to me to be unworthy of His Excellency and unworthy of this occasion. And as he now says no other political allusion will be made by him I hope and trust that no other political allusion will be made by counsel upon the other side or by any member of the committee.

Mr. BROWN. It certainly will not, by me.

Mr. RISTEEN. It is about our usual time for adjournment, and as we are not likely to get through with this discussion this morning, I move that we adjourn.

Gov. BUTLER. I am under neither the censure nor the jurisdiction of the chairman of this committee, and I have as little respect for his opinions as he undoubtedly has for mine.

The CHAIRMAN. This committee is a committee of the legislature, and is entitled —

Gov. BUTLER. The committee have not given any opinion. The chairman has gone on to criticise me, and I don't permit a man to criticise me unless I have respect for his criticism.

The CHAIRMAN. I cannot sit here as presiding officer of this committee and allow parties to censure the committee.

Gov. BUTLER. I have not censured the committee.

The CHAIRMAN. To make such a remark as that another

vote of five to four might hand us down to fame or infamy, is to censure the committee. Now, shall we adjourn before deciding the question in point?

Mr. Brown. May I say a single word upon that question?

The Chairman. I think we have gone far enough.

Mr. Learnard. On the question of adjournment?

Mr. Brown. On the question of adjournment.

Mr. Learnard. I think he ought to be heard.

Mr. Brown. I certainly hope this committee will not adjourn until this matter is settled. I don't know, I have no guarantee, that this witness will be here to-morrow. I certainly want to know whether I am to have the right to continue this cross-examination, or whether this witness is to vanish and this is the last I shall see of her.

Gov. Butler. [To the witness.] You will be here to-morrow?

The Witness. Yes, sir.

Gov. Butler. She shall remain here.

The Chairman. I suppose, of course, if the witness is not here her testimony will be struck out from the record.

Gov. Butler. Instantly, — if I cannot get her back.

Adjourned until Thursday, April 19, at 9 A.M.

THIRTEENTH HEARING.

THURSDAY, April 19.

The committee met in the Green Room at 9 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The committee will come to order. Nine members are present, and we are ready to proceed.

TESTIMONY OF MARY EVA BOWEN (*resumed*).

Cross-examination by Mr. Brown.

Mr. BROWN. Mr. Chairman, I repeat the question of yesterday, and ask the witness what is the name under which she goes in New York.

Mr. MELLEN. I object, Mr. Chairman.

The CHAIRMAN. It is for the committee to decide whether the question shall be put.

Mr. GILMORE. I would suggest, Mr. Chairman, that the letter which was spoken of yesterday be handed to the committee; and if the desired information is contained in that, it will not become necessary to get at the name.

Gov. BUTLER. There is only one possible objection to having this letter made public, and that is that it speaks of other people not at all connected with this investigation. Asking the committee, and relying upon my brother not to bring into notice the names of parties who have nothing to do with this investigation, the letter shall be at your service.

Mr. BROWN. I will agree that the letter shall not even be shown to the stenographers or to the reporters, so far as I am concerned.

Gov. BUTLER. The letter is quite at your service; but you are utterly mistaken about the name. The name is not there, and never has been.

Mr. BROWN. What name?

Gov. BUTLER. The name of this lady.

Mr. BROWN. I didn't suppose it was.

Gov. Butler. You said so yesterday. You said that was the reason I would not give it.

Mr. Brown. I beg your pardon.

Gov. Butler. You said the reason why I would not give it was that the name was there. You were a little emotional yesterday.

The Chairman. If the name is not there —

Gov. Butler. The letter gives a description, and tells the story as a man would tell it who knew it four years before.

[The letter was handed to Mr. Brown for perusal.]

Gov. Butler. I propose to put in that copy of a record.

Mr. Brown. What copy.

Gov. Butler. A copy of the record from Dedham: December 9, 1874. Eva Bowen admitted; son born March 26, 1875; was sentenced to the Lancaster School on the twenty-seventh of April, 1875; and for humane reasons, was for the time allowed to go to the Dedham Home. — I certify that this is a full and true copy of the records relating to Eva Bowen of the New England Moral Reform Society of Boston, said records being in my custody as matron of the temporary home mentioned in the aforesaid society. H. White, matron." That is the Oak Place Home, I suppose.

Mr. Brown. Now do I understand your Excellency to desire that this letter shall not be a part of the record?

[Mr. Brown and Gov. Butler had a consultation, and agreed upon those parts of the letter which should be read and made a part of the record, and Mr. Brown read from the letter, as follows:]

"New York, April 11, 1883.

"His Excellency, Mr. B. F. Butler:

"Dear Sir, — I beg to inform you that I am acquainted with a certain young lady who was once an inmate of the Tewksbury almshouse, and having noticed your examination of the affairs of this institution in the newspapers lately, I thought it my duty to inform you of these facts.

"Her name is Mary E. Bowen, daughter of the late William V. Bowen of Chelsea, Mass., once one of the largest shipowners in your State.

"The young lady I speak of was betrayed by one of the prominent citizens of Boston and when her shame became apparent, her parents (mainly her stepmother) drove her from her home

"Her father, feeling this disgrace keenly (at the instigation of her stepmother), imprisoned her at a place or private prison, No. 6 Oak Place, kept by an old hag. She was then about fifteen years of age.

From there she was taken in the dead of night by a detective to a place called Dedham, where they kept her a prisoner for over one year. During her stay there they tried to poison her, but one of the nurses took compassion on her on account of her tender age, and gave her an antidote, and she recovered. Her father, finding that he could not get her *removed* in this place, made arrangements to have her taken to the Tewksbury almshouse. There a certain female doctor, by the name of Marsh, tried several times to poison her; but they only succeeded in killing her baby with morphia.

"The lady can give dates and names, and the stories she has told me of the treatment of the *patients* would make your blood freeze. It exceeds in cruelty and barbarism anything I have read so far in the papers.

"She tells me of having seen a live woman, who was partially paralyzed, have her toes eaten off by rats, and when the woman screamed they beat her black and blue. She can give you names and dates.

"This lady would gladly come to your city and testify before your committee, but she can hardly afford the trip. I think you could get her testimony by commission. This would obviate her trip to your city. She is in straitened circumstances, caused by her having been robbed of her inheritance. Besides the stepmother, she is the only heir. This man Bowen was a monomaniac on religion during the last few years of his life, caused probably by repentance of his having tried to kill his only child and driven her out into a cruel world

"This stepmother is made executrix, and —— in —— is executor'

Gov. Butler. It then goes on about selling the estate.

Mr. Brown. I leave it to you whether you will read the following.

Gov. Butler. The rest of it is only about the loss of her money, and people connected with the estate, which would be manifestly improper. The committee will remember that the lady said she told this story some four years ago.

Mr. Brown. Then follows something about the estate, and then we come to the last page:

"Trusting I have not trespassed too much on your valuable time, and that this may be of some future use to you, I am yours truly,

"H. S. King.

"Hotel Arno, Twenty-eighth Street and Broadway, N.Y.

"P. S. — I would add that her father was obliged to pay a large sum for her keeping in the Tewksbury almshouse."

Gov. Butler. The witness is yours, Mr. Brown.

The CHAIRMAN. Now, as to the question, Mr. Brown; do you insist upon the question?

Mr. BROWN. I do, sir.

The CHAIRMAN. What will the committee do with it?

Mr. MELLEN. I object, Mr. Chairman.

Mr. PUTNEY. I would like to inquire of Mr. Brown whether or not there is not a way to get the evidence he wants to get without getting the lady's assumed name.

Mr. BROWN. Mr. Chairman and gentlemen, I will answer this: That if, for the reason which was expressed here yesterday, it is the desire of any member of this committee to respect the reason given here yesterday, I am perfectly willing that this lady should tell to the chairman of this committee what name she goes by in New York, with the understanding that if I select a proper and suitable person in whom the chairman or the chairmen — the chairmen of the House and Senate — shall have confidence, to go and investigate her, that the name shall be known to nobody except to the two chairmen and to that man. Now, there is a way. I can hunt all New York, and I intend to find out this woman's name. She is not coming here and going to escape my vigilance. But whether this committee will put me and my clients to the expense of such a proceeding as that is simply a question of fair play and common treatment to a defence.

Mr. PUTNEY. Mr. Chairman, if this matter can be accomplished in the way that Mr. Brown suggests, it would be perfectly satisfactory to me. As one of the committee, I must say with frankness that for one I shall vote against this lady's being obliged to give the name which she is living under at this time, unless there can be some testimony shown here that the lady is living other than a virtuous life at present.

Mr. BROWN. Very well. Then I will ask the committee to suspend for a moment, and I will touch upon another branch of matter.

Q. (By Mr. BROWN.) Madam, did you ever live at No. 20 Lyman Place,— a house of ill-fame? Answer me, on your oath.

Gov. BUTLER. You need not be frightened.

Q. Did you ever live at No. 20 Lyman Place, a house of ill-fame? A. Yes, sir.

Q. Did you live there as a virtuous woman? Answer me that, on your oath.

Gov. BUTLER. Ask when it was?

Mr. BROWN. I will ask one question now. Did you live there as a virtuous woman?

Gov. BUTLER. Tell him when it was and all about it.

The WITNESS. Well, the condition I was in was known.

Mr. BROWN. Answer my question. Did you live there as a virtuous woman?

Gov. BUTLER. Now, may it please the committee, I want —

Mr. BROWN. And when was it?

Gov. BUTLER. Ah! now you have it. It was while she had this child in her. [To the witness.] Now, tell him when it was.

The WITNESS. In October, 1874.

Q. That was while you were with child. Now, did you live there as a virtuous woman?

Gov. BUTLER. I object.

The CHAIRMAN. On the ground that it may convict herself? Do you put it on that ground?

Gov. BUTLER. No, sir; not on that ground. It is solely on the ground that it does not affect this investigation. This girl has told why she was there, and we find her now, by her own testimony and the record, in the Oak Street Home on the 9th of December, 1874, within two months after this, and that she was brought to bed with child in April, 1875.

Mr. BROWN. If you will excuse me one moment.

Gov. BUTLER. Wait a moment. Now, then, it don't alter her character at that time, and it is not right, just or fair, to follow her in that way. It don't enable them to look her up now. It don't answer the point that is in the hands of the committee at all. That is all. It don't tend to give what her character is now, nor what it has been; and it is not a thing which goes to affect the credibility of a witness in any court of justice, and cannot be proven against a witness in any court of justice, nor ever was proved in any court of justice. Because if it was a disqualification, God help the witnesses, of both sexes.

Mr. BROWN. Those that you have offered.

Gov. BUTLER. Pardon me, if it were all witnesses. It never was admitted, and no man will claim that it was ever admitted in a court of justice, to prove that a woman was not a virtuous woman in order to break down her testimony, and nobody knows that better than the chairman. Now, then, if you call witnesses to prove it one way, why prove it the other? It is in order,

if possible, to deter all witnesses from coming here if they have got to have their lives gone into from the time they were fifteen years old, after they were taught in the Art School, by which, from which, after which, at any rate, resulted what did result. Therefore I don't mean to take a technical objection. I am not here on technicalities. I am here in favor of seeing honest fair-play to this woman, who has chosen, upon my urging, to come here and tell the truth.

Mr. Brown. Now, if the committee will pardon me, I will put another question of the same character, referring to a different state of facts.

Gov. Butler. Let us have one thing proved at a time. I have done making bargains, because I think you — well I won't say what —

Mr. Brown. Well, I would not. I would not say anything I would be sorry for.

The Chairman. Do you press the question you put last, Mr. Brown?

Mr. Brown. I want to waive that and put another, referring to a different state of facts.

Gov. Butler. I ask for a ruling on this question; it is not waived peremtorily; it is only waived for the time.

Mr. Gilmore. I should like to ask, Governor, if you will accept the proposition of Mr. Brown in regard to her giving her name to the chairman.

The Chairman. I should prefer that it should not be given to me. Let it be given to some other member of the committee.

Gov. Butler. I am content to give it to the chairman under the pledge that it shall not go out. She has sworn here to whom she gave the information; that he was her friend, and that she gave him this story four years ago, and that he sent it to me. She has told exactly where she has lived; she has told where she has worked; and so far she has been supported in every way. The letter supports the belief that she told where this man lives, and his place of business. And Mr. Brown can send and find her just as easily, and easier, than he could find Queen Victoria in London, for they would not let him in. And all this is done, not for the purpose of getting at this woman's character, with which there is no connection. She comes here and tells you that she fell. The letter tells you that she was driven by her step-mother from her father's house in the condition she was. Now, you are fathers; some of you, I hope, may be in

that position. Treat her as you would like to have your daughters treated, and I shall be satisfied.

The CHAIRMAN. Is that satisfactory; that she shall give her name to some member of the committee?

Mr. BROWN. Well, the proposition made by His Excellency does not include the condition that I shall have knowledge of the name. That is why I object.

Gov. BUTLER. Pardon me.

> "O father Abram, what these Christians are,
> Whose own hard dealings teaches them suspect
> The thoughts of others!"

I made it in exactly the good faith in which it was offered.

Mr. WOLCOTT. I move that the proposition be acted upon by the committee.

Mr. MELLEN. Then I would suggest that we debar Mr. Brown from pursuing further his line of inquiry as to this woman's chastity when she was at Tewksbury, or after that period.

Mr. BROWN. Well, now, I pray your Honor's judgment.

The CHAIRMAN. That seems to be another proposition.

Gov. BUTLER. Well, I am not going to give all the time and get nothing, am I?

The CHAIRMAN. I don't understand His Excellency has asked that.

Mr. BROWN. Since last night I have got a list of places where this woman has been in Boston, and I am going to find out whether it is correct or not, if I can.

Gov. BUTLER. Suppose it is or is not; what of it?

Mr. BROWN. Well, it may be of some value to the country.

Gov. BUTLER. Not of the slightest; not of the slightest.

Mr. MELLEN. There is another thing I propose to protest against, and it is the flings of the nature of the one just tossed across the table from Mr. Brown. I have only read the report of the proceedings of yesterday, but it is in accord with the line of questions that he has asked before and with the remarks that he has made. And I do not think that the chairman should sit there and permit it without a reprimand. I observe that he did not hesitate to reprimand His Excellency when he dropped a remark which might be construed in one sense as impertinent. Now, I ask that the chairman would be as particular to interpose an objection when Mr. Brown says that which is objectionable.

The CHAIRMAN. I would be glad, and I think the committee would be glad, if all flings on either or any side should cease. The committee cannot control one side and not the other. There are two sides to this controversy.

Mr. MELLEN. The committee can control both sides. All I ask is that the chairman exercise just as much acuteness in preventing counsel for this institution that you as well as I have been assigned to the duty of investigating, as is displayed toward His Excellency; and that I must candidly confess, by the reading of the report of yesterday, was not done.

The CHAIRMAN. I certainly will endeavor to do so.

Mr. MELLEN. At the outset this morning, I wish to enter my protest against any such flings as Mr. Brown has put forth.

The CHAIRMAN. How far the examination should go, I suppose, should be settled as questions come up.

Gov. BUTLER. I say in so many words, that if this thing can stop he shall have the name; if it cannot, then he shall not, and nobody else shall have the name if I can prevent it; and I can. I know that, and in order to stop this loathsome performance before the committee, I offer to give the name. If it won't stop anything, why should I give anything to Tewksbury that shall not be wrung out of me by taxes?

The CHAIRMAN. The question is now whether the giving of the name to some member of the committee shall end the examination as far as that goes.

Mr. BROWN. Mr. Chairman, I will modify my proposition in order to meet the scrupulousness of His Excellency. I will say that if she will give me the name that she goes by in New York, or to the committee, under the same proposition, and also the name that she went by in the various places in Boston, I will be satisfied.

Gov. BUTLER. That is assumed. Why, there is a great deal of fuss made about this. I know the source of Mr. Brown's information. There is a record in this State House of where this lady is supposed to have been in these houses, and I know of that, and am ready to meet that part of it if it is necessary. She was turned from her father's house. She did go there, not in the condition of very much lust; however, I suppose we shall have to show that, if the investigation goes on. And she will show how she came there. She was sent there to have an operation performed. The operation did not succeed. She was told it was best, by some humane persons, she was told it was best

not to have her life endangered. I know all about this; I examined this beforehand. I will go into this whole examination, if you think it is profitable that your time should be taken up in this way; if you think it is profitable to the young men and young women of the State, — for it will go to the country; if you think it is profitable to anybody, for the purpose of elucidating truth, that this should be done, go on. But I pray that I shall be held harmless, for bringing this class of matter before the youth of Massachusetts.

Mr. Gilmore. I suppose that this committee can pass upon but one thing at a time, and I call for a question upon the proposition.

Mr. Learnard. Will the chairman please state the proposition?

The Chairman. The proposition is, that the witness shall give her name to some member of the committee, and that she shall not be further pressed on that point, as to what name she is now known by in New York.

Mr. Brown. I understood it was to be given to the two chairmen, — the chairman on the part of the House, and the chairman on the part of the Senate.

Gov. Butler. I will trust either of them.

Mr. Brown. And I understand the chairman on the part of the Senate declines.

The Chairman. I desire, if it is given to me at all, to give it to all the members of the committee.

Gov. Butler. You shall, sir.

The Chairman. I don't wish to be the receptacle of any secret.

Mr. Putney. My point was that if this lady is living a life of chastity now, it would certainly be a detriment to her and to her friends to have her name made public. But I accept of this proposition. I think it is highly proper that the counsel should know her name, and I think that can be obtained by this method without giving notoriety to her name throughout the country. And I take it, and shall understand it like that until we have evidence to the contrary, that she is living a virtuous life in New York. She rightfully, I say, withholds her present name. By this course proposed we and the counsel can get at the name.

Mr. Brown. It is perfectly satisfactory to me, sir.

[The question was put, and the proposition was accepted.

The witness at the suggestion of Gov. Butler proceeded to write her name and address upon a slip of paper.]

Gov. Butler. Of course I rely upon the honor of the counsel that it shall not get out from him.

Mr. Brown. Well, of course I have got to communicate it to the man who makes the investigation. I do not propose to make this investigation myself. But I will agree to this: that before any man is sent to New York he shall be a man who is known to this committee to be a fair man.

Gov. Butler. All right. You can control him. I do not send any man to make an investigation whom I cannot control.

Mr. Brown. No, sir; I don't.

Mr. Gilmore. I suggest that the investigation proceed. We are getting along very slowly.

[The slip on which the witness had written her name and address was inspected by members of the committee, and sent to the chairman.]

Q. (By the Chairman.) This is the name [referring to the slip of paper] by which you go in the city of New York at present? A. Yes, sir.

The Chairman. Go ahead with the examination, Mr. Brown.

Mr. Brown. If the chairman will let me see the name. [Receives the slip and refers to it.]

Q. (By Mr. Brown.) That name, madam, that you have written on that piece of paper, and handed to the Governor, is the name by which you are now known in New York city? A. Yes, sir.

Q. And that is one of the names by which Mr. King knows you, is it? A. Yes, sir.

Q. Are you known in New York city by any other name? A. No, sir; except to my friends, — except to my family, that is, relatives.

Q. Have you relatives in New York city? A. Yes, sir.

Q. Where do they reside?

Gov. Butler. Well, I object to that, sir. I suggest that we should get at the matter in hand now. We have name, address, and people who know her, — three, four or five people. Now, why should the place of residence of her relatives be known by which any person can trace their names, and any enterprising reporter can make her name public.

Mr. Brown. If that is your objection I will withdraw the question.

Gov. Butler. That is my objection; wholly.

Mr. Brown. Then I withdraw the question.

Q. (By Mr. Brown.) Now, madam, will you tell this committee on your oath whether you didn't go to No. 20 Lyman Place after you came from Tewksbury? A. No, sir.

Q. You did not. After you came from Tewksbury you went directly to Dedham, did you? A. Yes, sir.

Q. And from Dedham you went directly to New York?

Gov. Butler. No. Don't you remember? She went to the Consumptives' Home.

Mr. Brown. Oh, yes; she then went to the Consumptives' Home.

Q. Then, after two weeks there, you went directly to New York? A. Shortly.

A. How long were you in Boston after you left the Consumptives' Home? A. Perhaps a few weeks.

Q. Well, give me your best recollection about it. A. I cannot state the number of weeks; I don't exactly know.

Q. Now, madam, this letter [the letter from Mr. King], as I have read it — You heard it read? A. Yes, sir.

Q. That letter as I read it, leaving out that part which referred to your father's estate, is the story which you told to Mr. King, is it? A. Yes, sir, — some years ago.

Q. Some years ago. Now, why didn't you tell us yesterday that they undertook to poison you at Dedham? A. The gentleman has evidently made a mistake, because I was not with him when he wrote the letter, and it is years ago since I told him.

Q. Then this letter written to the Governor by Mr. King is not a correct relation of what you told Mr. King? A. No, sir; not precisely. It is years since I told him about it.

Q. Now, let us see. Is that part of the letter correct which says that Dr. Marsh killed your baby with morphia? A. That was my opinion.

Q. That was your opinion? A. Yes, sir.

Q. Why didn't you tell us that yesterday? A. Well, I should infer that from what I said about the baby receiving morphia in such quantities.

Q. In your opinion, then, the baby was killed by the use of morphia? A. Yes, sir.

Q. Is your step-mother living? A. Yes, sir.

Q. Now, Mr. King says that you were taken in the dead of night from No. 6 Oak Place and carried to Dedham.

Gov. Butler. No; it was the other way. It was from Oak Street to Dedham.

Mr. Brown. That is what I said.

Q. Mr. King says in this letter that you were taken from No. 6 Oak Place to Dedham by a detective in the dead of night. Did you tell him that? A. No, sir; it was from another place.

Q. Where was that? A. It was when I was taken from the place here in Boston, which I went to after leaving home, to Oak Place, where I was taken by a detective, and he has probably got it mixed.

Q. That is to say, you were taken from some place? A. Yes, sir.

Q. In the dead of night, to No. 6 Oak Place? A. It was in the daytime; very early in the morning, by a detective, in a carriage.

Q. Mr. King says in the dead of night. Did you ever tell him that? A. No, sir; but I say he has probably forgotten. It is years since I told him about it.

Q. Who was the detective that took you? A. I don't know; he said simply that he was sent by my father.

Q. Was sent by your father? A. Yes, sir.

Q. And he took you from some place very early in the morning to No. 6 Oak Place? A. Yes, sir.

Q. Now, where did he take you from to No. 6 Oak Place? A. From a room that I had got for the purpose of taking medicine to dispose of the child.

Q. Where was that? A. Somewhere down in the West End of the city.

Q. Will you tell us where? A. I could not tell the place; I am not enough acquainted; in a little street down at the West End.

Q. At the time you undertook to take this medicine, were you quick with child? A. Not that I know of.

Q. Now, where was it that you were taken as a prisoner, and kept for over a year? A. I was in Dedham over a year.

Q. Well, was that the place that you told Mr. King that you were kept a prisoner for over a year? A. I was kept a pris-

oner there, and also at Oak Place; was not allowed to go outside of the door.

Q. Do you know the name of the woman who kept No. 6 Oak Place? A. The lady who was housekeeper or matron when I was there was Mrs. Stevens.

Q. That was a regular lying-in hospital? A. Yes, sir.

Q. Now, did anybody try to poison you at No. 6 Oak Place? A. No, sir.

Q. Did you ever tell Mr. King that? A. No, sir.

Q. Now, did you ever tell Mr. King that your father tried to remove you? A. From where?

Q. I see the word "remove" here is underscored, and I take it that it means to take your life. A. He wrote letters to the effect that it would be a great blessing to the family if I was out of the way.

Q. If you were out of the way. To whom did he write those letters? A. I think to Mrs. Rowell at Tewksbury, one of the nurses, but I am not sure. I know she had the letter in her hand.

Q. And you saw it? And you read it? A. I did not read it, but she read it to me.

Q. What did it say? A. Simply that.

Q. Well, just repeat again what you understood, and if you can give us the exact words — give us the substance of what your father said?

Gov. Butler. What he wrote in the letter.

The Witness. He wrote in the letter that it would be a great blessing to the family if the mother and her child were both dead.

Q. Now, was there any intimation added to that, that that thing should be done at Tewksbury? A. Not that I know of.

Q. Then what did you mean when you told Mr. King that they tried to remove you? A. Who?

Q. Anybody? Just look at the letter, and see whether Mr. King didn't intend to convey to His Excellency the idea that you were to be put out of the way at Tewksbury? A. Well, it was certainly my father's wish that I should be out of the way.

Q. Don't you think Mr. King intended to convey that meaning?

Gov. Butler. Read the portion you refer to.

Q. Don't you think that that sentence fairly conveys that

meaning? Doesn't it convey that meaning to your mind? Take this sentence, madam: 'During her stay there they tried to poison her, but one of the nurses took compassion on her on account of her tender age, and gave her an antidote, and she recovered. Her father, finding he could not get her *removed* in this place, made arrangements to have her taken to the Tewksbury almshouse." That means, to take your life? A. My father's wish was —

Q. That is what that letter probably means? A. Yes, sir.

Q. That is what you conveyed to Mr. King? A. That is my idea.

Q. Now, who besides Mrs. Rowell — or, besides at Tewksbury, where did you think anybody tried to poison you? A. Never, anywhere, to my knowledge.

Q. But there you think they did? A. Yes, sir.

Q. And who did you think it was? A. It was Miss Nellie Marsh, who gave me the medicine.

Q. That you say had this effect? A. Yes, sir.

Q. Which continued to move up towards your throat? A. Yes, sir.

Q. Nellie Marsh gave that to you? What was it? A. I don't know.

Q. How did it taste? A. It looked like water, and, I think, tasted a little sweet; not much of any taste, in fact.

Q. Well, do you know what it tasted like? Have you ever tasted anything like it before or since? A. No, sir.

Q. Never have? A. There was not much taste, if any.

Q. Did that occur more than once? A. Only once.

Q. And then, when it did occur, you did what? Did you call anybody? A. I could not speak, but I motioned to one of the patients in the room, and she called Mrs. Rowell.

Q. Now, at any time, madam, did you tell Mrs. Rowell that Dr. Marsh had tried to poison you? A. No, sir.

Q. Did not? A. No, sir.

Q. Did you tell any human being at Tewksbury that Dr. Marsh had tried to poison you? A. No, sir.

Q. Why not? A. Because I had no conversation scarcely with one of them, except the nurse.

Q. Well, but you could have made conversation? A. didn't wish to.

Q. You knew that your father wanted you removed, didn't you? A. Yes, sir.

Q. And you knew that you had taken poison, didn't you? A. That was my opinion; I didn't know.

Q. Now, pray tell us why you didn't tell somebody? A. Because the inmates there I didn't care to associate with.

Q. Is that your only reason? A. Yes. sir; I never told my affairs to anybody.

Q. When your life was in jeopardy, you didn't speak to anybody, because you hadn't been introduced to the inmates? A. No, sir; I didn't wish to associate with them, and talk with them.

Q. When your life was in jeopardy, — when you knew that somebody tried to take your life,—the fact that you didn't wish to associate with these inmates was the only reason that prevented you from communicating this horrible thing to them, was it? A. If I told this thing I should naturally have to tell about my father's wishes, which I would not tell to any one.

Q. Which you would not tell to any one. Why not, pray? A. Simply, as I said before, I did not wish to associate with them.

Q. Why weren't you willing to tell what your father's wishes were — that he wanted you removed? Why should you hesitate about telling that? Pray tell us, what was the reason? A. Simply that I would not wish to do so.

Q. Did you have any respect for your father? A. Certainly.

Q. Respect for the man who wanted to take your life, did you? A. Yes, sir.

Q. You did have respect for the man who wanted to take your life. You knew that that was his purpose, did you? You knew that your step-mother wanted to take your life, did you? A. Yes, sir.

Q. Did you ever tell any human being in Tewksbury or in Dedham that you knew that your father and mother were trying to take your life?

Gov. Butler. Step-mother.

Mr. Brown. Yes, sir.

Q. When was the first time that you ever told that story that your father and your step-mother were trying to take your life, and had done it and tried it at Tewksbury? A. In New York.

Q. In New York? A. In New York.

Q. Not until you got to New York, was it? A. As near as I can remember.

Q. Didn't you find kind friends at the Consumptives' Home — sympathizing friends? A. Hardly.

Q. Whom did you become acquainted with at the Consumptives' Home? A. The housekeeper.

Q. What was her name? A. I don't remember; a widow lady.

Q. Did you become acquainted with Dr. Cullis? A. I have seen him; I don't know him.

Q. Did you have any conversation with him? A. No, sir.

Q. You knew that he was a good man and trustworthy? A. Yes, sir.

Q. Why, pray, didn't you tell Dr. Cullis of this effort to take your life? A. Because, as I said before, I would not tell such a thing.

Q. Your regard for your father and your step-mother were such that you would not tell? A. Yes, sir.

Q. Is that the only reason you will give? A. Yes, sir.

Q. Now, madam, do you understand, that here, under oath, if you tell that which is untrue the law of Massachusetts may put you in jeopardy? A. I suppose so; I don't know much about it.

Q. You suppose so. And you understand that you have taken the oath here to tell the truth, the whole truth, and nothing but the truth? A. Yes, sir.

Q. Now, madam, under the solemn obligation of that oath I want you to tell this committee whether this story about an attempt to take your life is not something you have conjured up since you left Massachusetts and went to New York? A. No, sir.

Q. It is not? Now I ask you again; is there any human being in Massachusetts to whom you ever told this story until you came on this witness stand? A. No, sir.

Q. Is there any human being in Massachusetts whom you love or who you think sympathizes with you? A. No, sir; not at present.

Q. Was there when you were at Tewksbury? A. My father.

Q. You think he loved you and sympathized with you, do you? A. I think he loved me.

Q. And yet wanted to take your life? A. He wanted to get me out of the way, evidently.

Q. Why did you go to the Consumptives' Home? A. Because he sent me there and wished me to go there.

Q. For what? for treatment? A. No, sir.

Q. For what? A. Simply as a place of refuge, I suppose.

Q. Simply as a place of refuge. That is, believing, as you understood, that you could be cared for there and tenderly treated? A. Yes, sir. I went there as assistant housekeeper.

Q. As assistant housekeeper. On a salary? A. No, sir; I got no salary.

Q. Well, now, let us see. Do you mean to say that this same father who wanted to take your life, thought so kindly and so tenderly of you that he sent you to the Consumptives' Home, where you could be kindly treated and cared for? Is that it? A. Yes, sir; because I was not well at the time.

Q. Did you ever cross your father's threshold after you left Tewksbury? A. Yes, sir.

Q. When? A. When I was at Grove Hall.

Q. How many times? A. Once.

Q. How long did you stay? A. Four or five hours.

Q. Anybody go with you? A. No, sir.

Q. Why did you leave? A. Simply to go back home — back to the Consumptives' Home at night.

Q. Never was there except on that one occasion? A. No, sir.

Q. And your father died when? In 1877? A. Yes, sir.

Q. Now, madam, after you left Boston in the fall or winter of 1876–7, up to the time of your father's death, did you ever cross his threshold? A. No, sir.

Q. Was your father sick a long time? A. No, sir; he died in church in Chelsea.

Q. Of an apoplectic fit, or something of that kind? A. I think so.

Q. Did you attend his funeral? A. No, sir; I didn't know of it until afterwards.

Q. Now, yesterday, when you gave us the name of Mr. King, why didn't you give us his full name? A. I said H.

Q. But you did not give us his other initial? A. I didn't know as it was necessary. No one asked me.

Q. When the name of Mr. King was asked for, you didn't

know it was necessary to give us his full name; that is, all his initials? A. No, sir; I didn't know it was necessary.

Q. I want to ask you again, madam, whether that name which you wrote on that piece of paper is the name by which you were known in the house on Thirty-third Street? A. Yes, sir.

Q. Do you know Capt. Williams of New York? A. I know him by sight.

Q. Where did you ever see him? A. I see him, perhaps, every day.

Q. Where? A. On the street.

Q. Have you ever been at his station? A. No, sir.

Q. Thirty-third Street is in his precinct, I believe, isn't it? A. No, sir, I think not.

Q. Whose precinct is it in? A. I don't know.

Gov. Butler. I want to call the committee's attention to the fact that there has not been one word of cross-examination upon the matter which relates to Tewksbury.

Mr. Brown. Well, I call the committee's attention to the fact that I believe it is absolutely false, and I propose to show it hereafter.

The Chairman. The record will show.

Gov. Butler. The record will show.

Re-direct examination by Gov. Butler.

Q. Now, madam, your father died and left a will, didn't he? A. Yes, sir.

Q. In that will you were disinherited, and the money went to your step-mother, — all the property? A. Yes, sir.

Q. Did you believe at Tewksbury, when you were sent away from your father's house, and all the time you were put around in these places, that this was done under the inspiration of your step-mother? A. Yes, sir.

Q. Did you blame your father for it at all? A. No, sir.

Q. Was he under the control of your step-mother? A. Yes, sir.

Q. And his will was made in her favor? A. Yes, sir.

Q. And you were left out, with $25, I believe? A. Yes, sir.

Q. And you got that? A. Yes, sir.

Q. At the time Mrs. Rowell or Miss Marsh, one or the other of them, got this letter, which was read to you, you be-

lieved that your father was kindly disposed towards you, did you? A. Yes, sir.

Q. And he was at that time sending you money? A. Yes, sir.

Q. And yet you say you believed that he would have been glad to have you taken out of the way. Why? A. Because he was afraid that people, — that his acquaintances would know anything —

Q. Would know what had happened to you. Did you also believe that he was acting under the inspiration of your stepmother? A. Yes, sir.

Q. Now, how long was it after Mrs. Rowell read this letter to you, or this portion of a letter, that it would be better for the family if you were dead, before you got that dose? A. Possibly two weeks after.

Q. Two weeks after — the dose which you described yesterday, which came so near killing you? A. Yes, sir.

Q. For which you say Mrs. Rowell gave the antidote. After you got back to Dedham did your father visit you? A. Yes, sir.

Q. And did he give you money; A. Yes, sir.

Q. Whether all these sums that he gave you in various places were not simply to cover the disgrace of the family? A. Yes, sir.

Q. Now, then, you have been adjured three or four times on your oath — have you, so far as you know or can recollect, told the whole truth and the exact truth? A. Yes, sir.

Q. Now, did you ever tell this story to anybody until after your father was dead, so that it would not harm him? A. No, sir.

Q. Was not the reason that you kept it quiet, kept still about it, solely out of respect to him? A. Yes, sir.

Q. How soon after his death did you tell it? A. Probably a month after.

Q. How many years ago, or after what time, was it that you told it to Mr. King, who wrote to me about it? A. In 1877.

Q. And he wrote this letter from recollection of your story? A. Yes, sir.

Q. He knew nothing about Boston, I suppose, or the names of places? A. No, sir.

Q. Now, I didn't ask you yesterday if you thought your

child died from morphia, and you didn't answer, did you? A. No, sir.

Q. But you told that morphia was given to you. Now this cross-examination has gone into it, and I want to go into it in another direction. I want to ask you this question: whether your child was a healthy one? A. When it went there; yes, sir.

Q. About how much did it weigh when it was born? A. I don't know exactly; I think six or seven pounds.

Gov. Butler. Well, I shall be able to show that from actual weight.

Q. When you went to Oak Place had you the disease called syphilis? A. No, sir.

Q. Did you have it at Tewksbury? A. No, sir.

Q. Did you ever have it? A. No, sir.

Q. Have you any objection to your person being examined by a reputable physician for the purpose of ascertaining if there are any marks or signs of it, if it is necessary? A. No, sir.

Q. Did Miss Marsh ever tell you or suggest to you that you had syphilis? A. No, sir.

Q. If I understand it you went under the care of a detective when you were taken from the house to which you went. Now, when you state, after your situation became known, that you were driven from your father's house, did you go to some physician or some doctor? A. Yes, sir.

Q. Was it a doctor or a doctress? A. It was a female.

Q. Did she send you anywhere to live while she might perform an operation? A. Yes, sir.

Q. Where was that? A. No. 20 Lyman Street.

Q. No. 20 what? A. No. 20 Lyman Street.

Q. Was any operation performed there? A. No, sir.

Q. Why not? A. She said I was not strong enough.

Q. Was it to be performed later? A. No, sir.

Q. After she had told you that did you leave Lyman Street? A. Yes, sir.

Q. And went and took this lodging-place? A. Yes, sir.

Q. And from there your father sent somebody, whom you call a detective, to take you to Oak Place? A. Yes, sir.

Q. There you had your child, and you went from there to Dedham. You went to Oak Street on the ninth of December, as the record shows, and your child was born in April, 1875.

And then you were taken from there with your babe in your arms to Dedham directly? A. Yes, sir.

Q. By a detective? A. By my father.

Q. By your father. And you stayed in Dedham until July, or about there? A. Yes, sir.

Q. And then you were taken up here to some place in the State House? A. First into Pemberton Square.

Q. Your father went with you? Then you were carried where? A. To Tewksbury.

Q. In charge of an officer? A. Yes, sir.

Q. And you remained in Tewksbury, as you tell us. So that you had no opportunity, except from the washing in this institution, of having contracted that disease, from the time you went into the Oak Street home until the time you got to Tewksbury? A. No, sir.

Q. And if it turns out in fact that you did not have the disease in Oak Street, then there was no place that you could have it. Now did you know of any other medicine given to your child by this State physician, Dr. Nellie Marsh, than morphia and cod-liver oil and whiskey? A. No, sir.

Q. Were you nursing it at the time? A. Yes, sir.

Q. Then it would get a double dose. It would get the morphia in your system, and the morphia that was in its own, wouldn't it? A. Yes, sir.

Q. Except what you stated to this judge — if he was a judge — or to this somebody in a court-house, did you make any statement at all to anybody of your condition? A. No, sir.

Gov. Butler. I find on the records, may it please the committee, under date of 1875, — I should say July, as near as I can see: July 26th, number 46,448, Eva Bowen, 16, birthplace Quincy, from Boston, — July 24; I was mistaken, — disease syphilis, discharged Nov. 17, 1875.

Q. Had you never been to New York before that? A. Yes, sir.

Q. How long before? A. When I was a little girl.

Q. Anything more than to be there temporarily? Anything more than to be there on a visit, or with your father? A. No, sir.

Q. Well, what was your child — a boy or a girl? A. A boy.

Q. A girl. You had her in your arms.

Mr. Brown. A boy, she said.

Q. A boy. Had it been named? A. Yes, sir.

Q. What was his name? A. Fred.

Q. What? A. Fred.

Q. Freddie? A. Yes, sir.

Gov. Butler. I find here on the record that your number is 46,448, and number 46,449 is Freddie Bowen, three-twelfths of a year, birthplace Boston, via New York — came by the way of New York — well; died Oct. 18, 1875; a month and some days before you were discharged.

Mr. Brown. Will you let me see the record, Governor?

Gov. Butler. With pleasure. Won't you ask your clients, Mr. Brown, to point out anything on these records that shows that Freddie Bowen who came there by way of New York had any connection with Eva Bowen, except through Adam, the common ancestor?

Mr. Brown. Do you want me to point it out now?

Gov. Butler. Yes; I want you to show me on the record anything to show that Freddie Bowen, who came there, well, by the way of New York, had any connection with the Miss Bowen who is admitted just before?

Mr. Brown. I don't know as I understand you; when do you want that done.

Gov. Butler. Any time; as early as you can.

Mr. Brown. Well, I will do it just as you did it yesterday, when I get ready.

Gov. Butler. I have not asked you to do it before.

Mr. Brown. Not at all; I wouldn't do a thing until I got ready.

Gov. Butler. I have not kept saying to you, "Won't you give it to me?" "Won't you give it to me?" "Won't you give it to me?" I only ask you to do it, in a kindly, good-natured way.

Mr. Brown. I congratulate you.

Q. (By Gov. Butler.) Now you have been told about these facts being of record, before you came on to the stand, down in my office? Hadn't you been told how the record stood? A. Yes, sir.

Gov. Butler. Now let us see how they made it up at the State House.

Mr. Brown. The hospital record is the same as that.

Gov. Butler. At where?

Mr. Brown. At Tewksbury. I understood you were talking about some record here at the State House.

Gov. Butler. No, sir, by the record here. You haven't control, as much as I, of the records at the State House. I now want, Mr. Brown, — I have called for it and it has not come, — the prescription-book of that hospital from 1875, when this lady was there; because there must be such a one unless it has been destroyed.

Mr. Brown. I don't know whether there is any such book or not; if there is you shall have it.

Gov. Butler. I have a large quantity of them, but I am informed from the examination made by my expert that they are all since 1875.

Mr. Brown. Well, if we can find any you shall have them. Does that conclude your re-direct?

Gov. Butler. I believe that is all.

Re-cross examination by Mr. Brown.

Q. Well, now, Miss Bowen, when you were taken to Tewksbury, by whom were you taken? A. From Dedham, I went with the matron of Dedham, to the place at Pemberton Square, and there I remained — that was in the morning — and I remained there until afternoon, and then I went — there were other parties going to the same place, to the almshouse, I presume — to Tewksbury.

Q. That is to say, were you in charge of any matron, or officer of any kind when you went to Tewksbury? A. With some gentleman; I don't know who.

Q. You don't know who it was. Have you ever seen him since? A. Not to my knowledge.

Q. Now, when you got to Tewksbury, were you interrogated as to your history in any way? A. The same as I was at Pemberton Square, — birthplace, father's name, age, and so forth.

Q. Were you well when you went to Tewksbury? A. I was well with the exception of being weak.

Q. With the exception of being weak? A. Yes, sir.

Q. You had no fever? A. No, sir.

Q. No disease upon you of any kind or description? A. No, sir.

Q. Pray tell me why you went into the hospital? A. Simply because I was not able to take care of myself and walk around.

Q. But wasn't you able to walk around? A. Hardly.

Q. Well, didn't you walk around? A. Very little.

Q. Didn't you walk from the outer gate to the clerk's office? A. Certainly.

Q. With your child in your arms? A. Yes, sir.

Q. And as you told the Governor, you came down to Pemberton Square with your child in your arms? A. We rode.

Q. And you got out and went up into the building, up one flight of stairs with your child in your arms, didn't you? A. I didn't go up stairs.

Q. Into the office of the Directors for Public Institutions, up one flight? A. I don't think so.

Q. Now, do you mean to say you went into that hospital when nothing whatever was the matter with you? A. Simply that I was weak, that is all.

Q. Simply that, and nothing else? A. No, sir.

Q. And this is the only name you gave — Eva Bowen, is it? A. Yes, sir.

Q. And to whom did you give that name? A. At the office in Pemberton Square, and also at the hospital at Tewksbury.

Q. Now did anybody at the hospital at Tewksbury come to you to get information as to your history? A. No, sir.

Q. Nobody whatever? A. No, sir.

Q. Now, do you know whether anybody did at Pemberton Square? A. No, sir; not that I know of.

Q. You don't recollect?

Gov. Butler. She don't put it on the "don't recollect."

Mr. Brown. Well, she don't know whether anybody did or not.

Q. Now, madam, your child, when you went to Tewksbury, was three months old, was it? A. Yes, sir; I think so.

Q. Well, your child was not seven months old when it died, was it? A. Yes, sir.

Gov. Butler. Born April 27, 1875; went to Tewksbury July 24, 1875, if the record is correct; and the child died October 18, 1875, if the record is correct.

Mr. Brown. Well, from April to October is only six months.

The Witness. It was born on the 26th of March.

Mr. Brown. Then the record is not correct, is it?

Gov. Butler. Yes, it is: "Son born March 26, 1875." I read the wrong one.

Mr. BROWN. You mislead us frequently.

Gov. BUTLER. I read the time she left. I got the wrong line.

Q. Now, madam, did you ever see this gentlemen before? [Charles B. Marsh.] A. Not to my knowledge.

Q. Not to your knowledge? A. No, sir; except yesterday.

Q. You don't know who he is? A. No, sir.

Q. You never remember having seen him before? A. No, sir.

Q. You do not? A. No, sir.

Q. Well, now I will ask you, madam, if, when you went up to Tewksbury, you did not tell some person at that time, this gentleman or somebody else, that you had syphilis? A. No, sir.

Q. Never? A. No, sir.

Q. And you never had it? A. No, sir.

Q. Never had it at Oak Place? A. No, sir.

Gov. BUTLER. I am going to call the doctor from Oak Place in a minute.

Q. Were you born in Quincy? A. So I was told by my father.

Q. Didn't you say here yesterday that you were born in Newton? A. I did not.

Gov. BUTLER. No. She first lived in Portland, and then went to Newton Centre.

Q. Then you were born in Portland? A. My father told me I was born in Quincy, Mass. I said the first recollection I had was at Portland, when I was about two and a half years old.

Q. (By Mr. PUTNEY.) I would like to ask the lady one question. Did you stay at Dedham one year at any one time? A. Well, very near.

Q. Very near a year? A. Yes, sir.

Q. That is, you were at Dedham before you went to Tewksbury? A. Yes, sir.

Q. How long did you stay there before you went to Tewksbury? A. I stayed there from the last of April until some time in July.

Q. And after you returned from Tewksbury how long did you stay? A. From the 19th of October until either the August or September following.

The CHAIRMAN. That is all.

TESTIMONY OF CAROLINE E. HASTINGS (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. Hastings, where were you living in December, 1874? A. On Shawmut Avenue.

Q. Were you at Oak Street? A. I attended there when I was called My home was at that time on Shawmut Avenue.

Q. Were you the physician at Oak Street? A. At the home on Oak Place.

Q. What is the name of the institution, if you please? A. I could not give it; it is the New England Home —

Q. The New England Reformatory Home? A. Perhaps by referring to my book I might tell you. The New England Moral Reform Society, or the New England Moral Reform Home. Something of that sort.

Q. Turn to your record of treatment, and see if you had anybody under your charge by the name of Eva Bowen, sometime in December. A. [Referring to book.] Shall I give you the name of the society?

Q. Yes. A. New England Moral Reform Society. What year did you say, please?

Q. In 1874, December 9. A. December 9, 1874: I have no record.

Mr. BROWN. March 26 was the date of the birth of the child.

Q. Now, won't you look at March 26, 1875? You would not have the name there at all. It would not be on your records unless somebody was sick, I suppose. A. No, sir. I have under March 26, 1875, the record; Eva, Home, boy, eight pounds, 10 P.M.

Q. And that record being interpreted means what? A. It means that I attended a girl by the name of Eva, in the evening; that the child was a boy, and weighed eight pounds.

Q. Do you remember the girl now? A. I do not remember.

Q. Can you tell us, from your knowledge—is there any record that she was afflicted with syphilis? A. I have no record of the kind.

Q. Now, let me go back a little. I see that the name is Eva without giving the rest. Is not that the practice of the society, to use only the first name? A. I suppose her name would stand upon the books of the society. I only attended her as a

physician. I never inquired into the history of the girl. I simply went when called, and took whatever name was given.

Q. Well, this is a place for the lying-in of young women who have been unfortunate, and where it is intended to keep the name secret, is it not? A. I don't know what the real objects of the society are; I simply was called there in the capacity of a physician.

Q. Well, now, then, this weight of the child would be rather an abnormal weight, would it not? A. It would be about the average, I think.

Q. Healthy child, for all the record shows? A. I have no record of anything to the contrary.

Q. Now, have you any remembrance of the patients in that home, as to their being afflicted with this disease of which I have spoken? A. Will you repeat the question?

Q. Whether you have any remembrance of persons at the home afflicted with this disease. A. I can recollect some that were afflicted.

Q. How many? A. I cannot recollect more than two.

Q. Do you know their names? A. Well, I only know the first name, as I know this one, as it was given to me.

Q. It is not this first name? A. No, sir.

Q. It is not this first name nor this person? A. No, sir. I have no recollection of this person.

Q. Whether you examined the patients there in child-bed so as to know whether they are afflicted with this disease? A. Yes, sir; I should naturally be very careful to know.

Q. On that would depend your treatment, I suppose, of both mother and child afterwards. Well, here is a slight young woman, who at any rate says she was there on that day. Would the fact that she had a child of that weight, and a healthy child, so far as you know — perhaps I had better go back a little. If the child had not been healthy or the mother healthy, would it appear upon your records? A. No, sir; I don't think it would.

Q. Have you any record that it would appear on? A. No, sir.

Q. Well, then, I will go to the general question, whether the fact of this being a healthy child, certainly of the normal weight, would that indicate that the mother was afflicted with syphilis? A. It might or might not. I don't know that that would be positive evidence either way.

Q. It might not be positive; might it not be presumptive? A. I think the child might be afflicted with syphilis and the mother not.

Q. It would hardly be the other way? A. Probably not.

Q. Well, is there anything to show from any source whatever, or anything in your mind, or anything that might demonstrate to you in any form, that this was not a healthy woman and a healthy child? A. I can only testify this morning upon recollection. I have no record to show that she was afflicted with syphilis. But my recollection is, so far as I recollect the cases which I did have there, and the particular care taken in cases of that kind, I hardly think that it was not.

Q. Who was the matron there at that time? Who was the head of the house? I don't know whether they call her matron or not? A. I am not able to state who was the matron there at the time. I can state who the nurse was.

Q. Who was the nurse? A. Miss Newton.

Q. Do you remember her first name? A. Eunice.

Q. Do you know where she is? A. She is at Oak Place.

Gov. Butler. Mr. Innis, summon Miss Newton for to-morrow.

Cross-examination by Mr. Brown.

Q. I didn't understand your first name? A. Caroline.

Q. Any middle name? A. Yes, sir; Eliza — Caroline Eliza Hastings.

Q. And you have been on Shawmut Avenue at this address written in this book? A. I am not on Shawmut Aveuue at present.

Q. You were at that time. What is your present address? A. No. 145 West Concord Street.

Q. Did you treat this girl in December, 1874? A. I have no recollection of it.

Q. And you didn't know anything about her until the 26th of March, 1875? A. No, sir.

Q. Had you seen her prior to the 26th of March, 1875? A. I have no doubt I had if she was there, for I was going there frequently to see the girls every day.

Q. You were the regular physician? A. Yes, sir; for seven years.

Q. And are you now? A. No, sir.

Q. Is the institution in existence now? A. Yes, sir.

Q. At the same place? A. Yes, sir.

Q. All you know is that on the twenty-sixth day of March you were called here to this hospital and attended the delivery of this child. And this is your own private book, is it not? A. Yes, sir.

Q. Under the date of March 26th — you made this entry? A. Yes, sir.

Q. Under the date of March 26th you have the entry: Eva — what is that? A. Home.

Q. Now why did you put that Home in quotation marks? A. Well, I don't know as I could say why I did. I cannot say.

Q. Well, I don't see any other word Home there in quotation marks? A. Well, I don't know; perhaps if you looked through the book, it might or might not occur.

Q. Well, is there any other case in which you put Home in quotation marks? A. Perhaps I can find one.

Q. I want to get at the true inwardness of that, if I can.

The WITNESS. Have you been all through this book?

Mr. BROWN. I did not want to, because I thought it was not proper that I should.

The WITNESS. Well, I saw you looking through it, without consulting me.

Mr. BROWN. The Governor called your attention to December, and I thought I had a right to look there.

Gov. BUTLER. I called her attention to that for a purpose.

Mr. BROWN. Which you afterwards regretted.

Gov. BUTLER. Oh, no.

Mr. BROWN. And so you didn't follow it.

Gov. BUTLER. I said I didn't know the date of the birth. I assumed if she came in there on the ninth of December, and was sick with the syphilis, there was probably an entry. That is the reason why I called attention to it.

The WITNESS. I do not find any other case in which the word Home is in quotations.

Q. You cannot understand why you put the word Home, after the word Eva, in quotation marks? A. I can understand the quotation marks, and I can understand the word Home.

Q. What does that mean? A. It means that I attended a girl at that place.

Q. Now, let us see. Let us turn right to same date. Did you attend any other girl at that place that month? A. I could tell you better by looking at my record.

Q. Did you attend any other girl at that place in that year? A. Oh, yes, sir.

Q. Now, show me where the word Home comes in? A. There is one, March 13, Home without quotation marks. I suppose the word Home was not written by me, that is the reason of it.

Q. In other words, wherever the word Home occurs, then the girl must have been at that place, is that it? A. That is what I should understand by my record; but I should not want to say that a name not having the word Home following it, was not a girl at the Home, because, on looking at the record, I can find cases where it is not written.

Q. Why not? A. Simply on account of carelessness in writing, I suppose.

Q. Now, can you account for the quotation marks? A. No; I cannot.

Q. You don't know what that means? A. No; I guess it don't mean anything.

Q. How frequently did you attend people at this Home? A. I should have to look at my records there to find out. I should say I probably attended between twenty and thirty cases a year there.

Q. Well, now you don't recollect ever having seen this girl before? A. I haven't seen her now, in fact.

Q. Now, if she was under treatment for syphilis in that Home on the ninth of December, 1874, you might be called and might not? A. No; I should be called.

Q. You would be called? A. Yes, sir; there was no other attending physician there.

Q. And were you ever informed she had been at the Home before? A. No, sir.

Q. And you have never seen her since? A. No, sir; unless this was the lady sitting here this morning.

Q. Well, look at her and see if you recognize her. A. I think I do.

Q. Do you remember to have had any conversation with her at the time you delivered her? A. No, sir.

Q. Don't remember anything that took place? A. No, sir.

Q. Now, Mrs. Hastings —

The Witness. Miss, if you please.

Mr. Brown. You are not so fortunate as I thought you were.

The WITNESS. Not so unfortunate.

Gov. BUTLER. Compromise on Butler.

Q. Now, Miss Hastings, I want you to search your recollection, and tell me if you have not told somebody that this girl had syphilis at that time. A. No, sir.

Q. You don't recollect ever telling anybody? A. No, sir.

Q. Never? And you cannot recollect whether she did or did not? A. I cannot recollect whether she did or did not; but from my knowledge of the way in which I treated such cases, my care in handling them, everything that impresses such patients upon my mind — this is not one so impressed.

Q. Let us see. You were a private physician practising at that Home, without any salary, were you? A. Well, I had —

Q. No salary paid from the Home? A. No; I received a small fee from the girls.

Q. And in this case you received ten dollars and you marked it paid? A. But I did not receive it from the girls; I received it from the treasurer of the institution.

Q. Now, I want you to tell me if you ever visited that girl after the date of her confinement; the twenty-sixth of March? A. Yes, sir.

Q. Where? A. At the Oak Place Home, until she recovered.

Q. Where is the record of it? A. It is not there.

Q. Where is it? A. In my memory, which you wished me to search.

Q. Well, that is right; I am glad you have searched it. Now tell us, after searching that memory, about this, tell us what you remember about her subsequent treatment? A. I have not any recollection, only that she made recovery and went from the Home.

Q. But you do remember that you treated her? A. I made no treatment whatever — no special treatment.

Q. Then you didn't really treat her at all after the 26th of March? A. I visited her to see that she made a good recovery.

Q. You made no charge? A. No, sir; it is always included in the regular charge.

Q. Her name never again occurred on your book? A. No, sir.

Q. Ever seen her since? A. Not until this morning.

Q. Do you recollect her? A. I recollect her face.

Q. You have already stated that there was no other physician there? A. Yes, sir.

[The committee took a recess of five minutes.]

TESTIMONY OF CATHARINE POWERS (*sworn*).

Direct examination by Gov. Butler.

Q. Now, speak as loud as you can, so all these gentlemen can hear. Your name is Catharine Powers? A. Yes, sir.

Q. A married woman? A. Yes, sir.

Q. Where do you live now? A. In Somerville, sir.

Q. On what street? A. Murdock Street.

Q. Did you ever go up to Tewksbury? A. Yes, sir.

Q. Where did you live then? A. At Cambridge.

Q. What time was it that you went up to Tewksbury, do you know? A. Six years ago, sir; six years this next August, when I was there. I don't recollect the date.

Q. You don't recollect the exact time? When you first went there, did anybody go with you? A. Yes, sir; my six children.

Q. Two children? A. Six.

Q. Was one of them a little girl? A. Yes, sir. One was a little boy, a baby, and the other was a month old.

Q. Did you have a child baby? A. Yes, sir; that was my next.

Q. About how old was the child? A. A year and three months, sir.

Q. The baby was left with you, I suppose? A. Yes, sir.

Q. And the child, the other one, taken from you? A. The other little girl was torn from me, — three years and a half, — and put in with the foundlings, among the children.

Q. Who was the matron? A. Mrs. Burbank was the matron at the foundling at that time, sir.

Q. Who was the nurse of the place you were in? A. Miss McKinnon was the nurse at the hospital.

Q. Were you sick? A. No, sir; I was weak and run down. Dr. Martin allowed me to go to the hospital with my baby for awhile.

Q. Now, what was done with your child when they came to bathe it? A. It was torn right from my arms and thrown into a bath-tub, in which there was three others, who had all sorts of

humors, ears running matter and sore eyes, and filth and dirt in their heads. I asked for the right to change the water.

Q. You asked to have the water changed? Was your child a healthy child? A. He was that, sir.

Q. When it was taken out, was it wiped with the same towel the others had been wiped with? A. Yes, sir; and he has had sore eyes ever since.

Q. Has it had sore eyes ever since? A. Yes, sir; occasionally breaking out. I didn't know what was the cause of it, but I understood from the doctor lately that it was such humors.

Q. The child hadn't any sore eyes before it was put into this water? A. No, sir.

Q. How long after did it have sore eyes? A. Well, it didn't take it immediately. It took it in a few weeks; I should say in about a week.

Q. Been troubled with them ever since? A. Yes, sir. Miss McKinnon took him by the neck, and when I cried for my baby, and said I would wash it myself, she said no, I was not the mother now; she was the mother. I shouted to her, and said not to kill him.

Q. How long were you in the hospital? A. Three weeks. Dr. Martin was a good, fine doctor, and he was also kind to my child.

Q. While you were in the hospital did you see any rats running under the bed? A. Yes, sir.

Q. How many? Not exactly how many, but how frequently? A. Well, I saw one in the upper nursery, in that part of the hospital I was in. Only one came out occasionally under this lady's bed that had a little infant baby born. She came out and said she was afraid this rat was going to eat up her baby, so we all tried to frighten it away. She got nervous about it. Then some of us gone to Miss McKinnon, and she told us, she said there was nothing to hurt her.

Q. Well, was there anything to hurt? A. Well, I saw the nurse that ought to be down there to keep the rats out. It was reported to the nurse the following morning. It was told to the nurse, Miss McKinnon, and she said it would not hurt — they would not hurt her. It was terrible. I was listening to that. They asked her for a change to go down stairs in the lower nursery, and Miss McKinnon said she could stay where she was, there was no room down there.

Q. Where was the water-closet of that room? A. No,

water-closet to these nursery rooms at all, sir; only one water-closet, and that was in that ward where the sick patients were, leading off the two nursery rooms.

Q. No water-closet in the nursery rooms at all? A. Only just one for the sick people in the hospital, just one for you if you were a sick patient, that was all.

Q Did that open right into the ward? A. Yes, sir.

Q. What sort of a door had it? A. Well it had a queer-looking door, by the look of it.

Q. How did it open and shut? Was it a swing door? A. A swing door, sir, with a weight on the top of it.

Q. Now what was the condition of that water-closet? A. Oh, it was filthy. It was the horridest water-closet I have ever seen before or since —

A. What was on the seat? A. — and I hope I never shall again.

Q. What was on the seat? A. Well, all kinds, sir. In fact it was not fit for any human person to use that was in any kind of state of health.

Q. Did it remain in that condition while you were there? A. Very often, sir.

Q. I suppose there was human excrement on the seat. Was there anything else — anything from sores? A. Well, yes, sir. I objected to using it, but I was told I had to use it. I didn't know what to do. I could not help it. I should do the same as all the folks did there; I should do as they did.

Q. Was everybody compelled to use it or else go without a water-closet? A. Yes, sir; that is it. I was sent to wash it one day by order of the matron, Miss McDonald, and I had to do so, and I was sick abed for a day afterward.

Q. That was by the order of Miss McDonald, one of the matrons of the hospital at that time. And that made you sick? A. Yes, sir; it would make anybody sick.

Q. Well, was there any stench from it? A. Yes, sir.

Q. How bad was that? How far could it be smelled? A. Well, it was an unnatural smell to me; something that I never smelled such a thing in my life before, anyhow. I never had witnessed a place like Tewksbury, the same affecting smell as that was.

Q. How was the ward? A. The water was clear enough when it came down.

Q. You do not hear me. How was this long room, the

ward? A. In a very miserable and dirty condition, always. If I was not the mother of my baby I would go down and scrub that ward, but the doctor didn't allow me. But they took opportunity and they made me go from one end of it to another, and one woman with me that was in a delicate condition, and scrub this ward. It was horrid — horrid!

Q. How far could you smell this water-closet out in the ward? A. Well, sir, you could smell it as much as out in the nursery that was leading into the ward; about three steps, I guess, between the nursery and the ward.

Q. How were the patients bathed? A. In a horrid condition; inhuman, sir.

Q. Just tell these gentlemen exactly how it was as you saw it. A. Which gentlemen?

Q. The committee. A. Yes, sir. This bath-tub was the only one. In the room leading from the nursery into the bath-room there was five or six women standing by, all in their nakedness, just the most inhuman you could think.

Q. At one time. A. At one time; six or seven, or six at any time as well as I could guess. And I had to wait my turn, and I made seven. I said I didn't wish to bathe in the room where there was so many women: that I wanted them, please, to allow me some place where I could go and bathe. But that condition was made, and I was taken first and pushed right into the water after the other women that were in there — the same water. She took me by the two shoulders and turned me right in, and instead of letting me bathe myself, she caught me by the hair and rubbed soft-soap on to my head and washed me. She would not allow me to wash myself; just because I objected to going into the tub, I got the worst of it.

Q. Well, some of these women that had bathed before, had they sores on them? A. There was an old woman seventy years old, and that woman was never out of my head, and never shall be. She was a poor suffering creature, that was from some kind of sickness which is not fit to speak of. She used to be struck with a stick. When she had suffering pains and made cries for it, she was struck with a stick. And I said I never could live to get out of the place for looking at her.

Q. Well, what do you mean by striking with a stick? A. That is the way they said they would do if she didn't keep still waking up the nursery in the night. They used generally to

take a stick to pacify her. Poor creature, she could not stop, I think.

Q. Did they beat her with the stick? A. Yes, sir.

Q. Hard? A. I haven't seen her but I have heard her; I have heard her, but I have not seen her myself.

Q. You were in your room? A. I was in my room. I only heard women say she got a licking for screaming so much; that that was a hard licking she got. Well, those that belonged to the ward that she was in reported to the nursery.

Q. When you went there was your hair cut off? A. My hair was all cut, sir.

Q. How close to your head? A. Well, it was two or three inches. I begged them not to cut the whole of it.

Q. Well, whether you had a good head of hair? A. I had a splendid head of hair; I have never seen the like of it since, sir, from the soft-soaping it got; enough to wash a tub of clothes in. My hair was very clean. I had come from a good, clean home, the Cambridge town house, where they have everything regular. I had been there and for the non-payment of my husband's taxes I was sent to Tewksbury.

Q. You came from a good, clean home in Cambridge? A. I did sir. And they examined my hair in that good, clean home at Cambridge.

Q. And your hair was clean, and there was no occasion for cutting it off? A. No occasion to cut it off. Neither was there any occasion to put soft-soap on my baby's head.

Q. Did they put soft-soap on your baby's head? A. And more than that, they poured a wash-basin of cold water on my baby to wash the soap off; and I thought he would be fairly smothered with the cold water.

Q. Did they put soft-soap on your head also? A. Yes, sir. My head is never the same either. It was commonly used there.

Q. Did they cut the the hair off all the heads when they came in? A. Yes, sir; every woman, and every woman and child; every man and woman that came would get their hair cut off.

Q. And that they did when they first came in? A. Yes, sir. There was nobody the better of it that went there.

Q. Well, did the patients afterwards have lice in their heads? A. No, sir; there never was any lice seen in the heads of any of the children or women there, that I know of.

Q. You didn't see them? A. No, sir; I didn't examine into that, after I had my child taken.

Q. Do you know anything about the treatment of your little girl who was taken into the foundling hospital? A. She is out of her head, sir. She is partly out of her head, sir. I suppose it is from the morphia she got there.

Q. Was she a healthy child when she went there? A. Yes, sir.

Q. And do you know — I suppose she cried for her mother? A. She cried for her mother, and her mother could not see her. — would not be let near her. I asked Dr. Putney would he please send me to the foundlings and leave her by my side, and he refused. And the child was so much attached to me that she would not go to anybody only to her mother. She was a young child, and she wanted to be with me. And she was going to be whipped.

Q. Was she a healthy child when she went there? A. Yes, sir. Born in Cambridge.

Q. Do you know anything about the way she was punished? A. Yes, sir. Her two little hands were tied back on her little chair. She was brutally treated; she was kept tied there two hours by one of the inmates that was left after Mrs. Burbank left there. She was the nurse of the foundlings.

Q. How do you know she was given morphine? A. Well, now, then, sir, I didn't know until this came out here that it was found out. In the first place, I found out from here that the morphine was used; from you, I guess.

Q. Well, somehow they managed to keep her quiet? A. Yes, sir, they kept her quiet. I never saw the morphine.

Q. You were not allowed in the foundling ward? A. I was not allowed. The nurse was half-witted. The women told me how she was whipped and kept down. I should think that would send anybody out of their head.

Q. Well, what time in the year was this that you were there? A. Well, sir, I went there in August, and remained there for three weeks in all.

Q. What? A. Three weeks.

Q. Two weeks? A. Three weeks.

Q. You saw this little girl, did you? A. Only once. I was liking to go to the middle of the place where they called the green-house, some kind of a place the children used to play in out on the walk; and I was allowed to go half way, but not to

bring her home or bring her to me, but send her back again when I went away.

Q. How was she clad? A. How she was clad? I guess I could have clothed her myself better if I was at home. She hadn't a shoe nor a stocking on her, sir; she hadn't any underclothing, she hadn't what belonged on her at all for underclothing; she had only the waist of a gingham dress and a gingham tire. I asked the nurse why, and she said that was not the most necessitous time for them.

Q. Had she shoes and stockings when she went there? A. Why, yes, indeed, from North Cambridge. A lady told me she thought she would send them since I was sending her away.

Q. Now you have told us generally, I want you to be more particular and tell us what took place while you were there. Have you told these things to anybody? A. I have talked to Mrs. Burbank. She was a good nurse. She told me she would take care of the child, but she was not allowed to. Soon after she was discharged, and then they took in one of the inmates for a nurse, you know. She was one, I expect, without common sense; I could not say, but it was the one that brutally treated my child. If the child cried for her mother she would not be there; and she only whipped her and kept her down in that way. Of course I don't know anything about who used to visit the foundlings. I know Dr. Putney did.

Q. Did you ever see Mrs. Marsh, the old lady, there? A. I have seen her at a distance, but never spoke to her.

Q. Did you ever see her in your ward? A. No, sir; never in the ward I was in.

Q. Never in there? A. Never in there, nor him either. I never saw him in there.

Q. While you were there neither superintendents nor matron were in there? A. Not of those two. Only Miss McKinnon, the matron, and the doctor.

Q. Well, when I speak of the matron I mean the old lady Marsh. A. I know; but she was never there. One of these side matrons would be there.

Cross-examination by Mr. Brown.

Q. Do you know Mr. Marsh — Mr. Thomas J. Marsh? A. Yes, sir; I know him by sight only.

Q. Should you know him if you saw him now? A. Yes,

sir. Anybody I ever knew, I know. Anybody I ever saw I can mostly recognize them again.

Q. Now I didn't understand the date when you went to Tewksbury with these three children. A. Oh, I had six, sir. Those two were the ones that were injured.

Q. Well, now, when you went with those, what was the date of it? A. Well, then, that is out of my memory. My husband could tell; I could not. It was about the middle of August.

Q. What year? A. Six years ago. Six years this August.

Q. That would be about 1877? A. Well.

Q. And you were there three weeks? A. Yes, sir.

Q. Pretty cold weather, was it? A. No; it was hot weather.

Q. Well, do your children wear flannels in August? A. Yes; I always kept flannels on my children in summer as I would in winter.

Q. Just the same? A. No, not the same. I made a distinction there. I would always keep little light flannels on them and under-clothes fit for a child to wear.

Q. Now, when you went to Tewksbury, where did you go from? A. From the Cambridge Home.

Q. The almshouse? A. Almshouse.

Q. How long had you been at the Cambridge almshouse? A. Three days, sir.

Q. How came you to go to the Cambridge almshouse? A. Well, how I got there was that my husband occupied a small tenement-house on Franklin Street in Cambridge.

Q. Do you recollect the number? A. There is no number to those houses.

Q. What was your husband's name? A. Edward Powers.

Q. Any middle name? A. No, sir.

Q. American? A. No, sir; Irish.

Q. Now, you went there and was there at Cambridge almshouse three days? A. I will tell you. This lady I hired this small tenement-house of my husband occupied, — very small indeed, contained six rooms, — she had four children; I had six, and that made eight of us. My husband thought he would go into a small house, but the place was not fitted for him or for the lady who owned the house. And so she ordered my husband, since he didn't tell how many children he had, that he should leave on a quick notice, and if he didn't she would get him out. He said she should give him a month, and she said

no, she would not. She was one of those ugly women that don't want to wait for anything. She took hold, and she said if he would not go out she would get a sheriff to do it inside of five days. By saying so she did it. She brought a sheriff and put my furniture out in my part; even took out the windows out of my place. Then we had to go, and then we had no house ready to go into — at four o'clock —

Q. And so you went to the Cambridge Home? A. My husband thought it was my home, because I had lived as much as fourteen years in Cambridge.

Q. You, of course, were destitute? A. No, sir; my husband got his daily pay, but he had no time.

Q. How did you happen to get into the Cambridge Home? A. By my husband going down to City Hall and applying that me and the children might be sent there; and we were sent there, and there we remained until we found out that my husband's poll-taxes were short three years; a dollar and a half, I guess it was. The three years' poll-taxes were backward, so they sent us to Tewksbury.

Q. Sent the family to Tewksbury? A. Yes, sir.

Q. Did your husband go to Tewksbury? A. No, sir.

Q. Did he come to the Cambridge almshouse? A. Yes, sir; he paid one visit there; but the day when he came it was all made up to send me to Tewksbury when he got there, and I was to go the next morning, for the non-payment of so many poll-taxes. It was only three years they were mismade.

Q. That is, you were not a proper charge on the city of Cambridge, and therefore had to go to Tewksbury? A. We didn't have a homestead there, he said, because we hadn't paid our taxes.

Q. Now let us see. About how old are you? A. Well, I guess I am about forty-one.

Q. But you were forty-five years old when you went to Tewksbury in 1877? A. No, sir.

Q. The record shows you gave your age as forty-five? A. No, sir; I didn't give my age as forty-five at all. I gave my age as near as I could — twenty-eight or twenty-nine when I went.

Q. Twenty-eight seven years ago and forty-one now? A. Well, it may be more or less.

Q. Well, when ladies get to that age they don't grow old

very fast? A. Well, I didn't look into those six years. I suppose I may be forty-six.

Q. You were twenty-eight when you went to Tewksbury? A. Well, I was twenty-eight or twenty-nine, I guess.

Q. Very well. Call it twenty-nine. A. I may be wrong in my dates. I have to send to Ireland to get my age.

Q. Now [referring to the records], the record says Catharine Powers was born in Ireland, came from the city of Cambridge, forty-five years old. And you were sentenced, weren't you? A. Yes, sir.

Q. By whom? By Col. Tripp? A. Yes, sir; one pretty good-hearted man, too.

Q. Now, on the eighteenth of October you were sentenced—? A. Yes, sir; I was sentenced.

Q. Well, did you go to Tewksbury before you were sentenced? A. No, sir; no, sir; — yes, sir; yes, sir; from Tewksbury I was sentenced.

Q. Well, you were sentenced—? A. No, I was in Tewksbury and sentenced from Tewksbury. It was in Tewksbury I got my sentence.

Q. Where did you go to? A. To Bridgewater.

Q. To Bridgewater? A. Yes, sir; for I didn't get persecution enough in Tewksbury.

Mr. Brown. "Whom the Lord loveth He chasteneth."

The Witness. Yes, I am very satisfied at that.

The Chairman. That is a quotation from Scripture; we won't go into that.

The Witness. Col. Tripp heard when I was out there that I took a glass of lemonade or sarsaparilla and said I should be sentenced to Bridgewater no matter whether I worked or not. I went there with my six children; myself I should go to Bridgewater.

Q. Did you have a daughter Mary? A. Yes, sir.

Q. She was born in Cambridge? A. Yes, sir.

Q. She was about fourteen years old when you went to Tewksbury? A. Yes, sir.

Q. Was she ever in Monson? A. Yes, sir.

Q. Was she in Monson before she was at Tewksbury? A. No, sir.

Q. When was she in Monson? A. She was sent from Tewksbury to Monson; they would not let her stay with me there.

Q. (By Gov. Butler.) At school? A. Yes, sir.

Q. (By Mr. Brown.) What was the name of those children that were so badly treated? A. Nellie and Eddie.

Q. Those two children were badly treated? A. Yes, sir; and myself. Nellie was out of her head and sent in with the old crazy women, from the foundling into the crazy house at Tewksbury: she was forced out of her mind; there was where I found her stripped naked.

Q. Had you a son James? A. I had a son James, sir, who was not very well in health.

Q. What was the matter with him? A. Well, his blood didn't circulate as it should. He has got a feeling of weakness in his blood.

Q. Weakness in the blood? A. Yes, sir; he is afflicted by that; his blood don't circulate. The doctor talked to me about it. His head is a little of that kind, and he is a little bit stupid. He was bathed in the bath-tubs where the folks that had fits were bathed, and I expect that he took these from it now. There are three of my children destroyed there.

Q. Well, that is all the matter there was with James, was it? A. Yes, sir; that he hadn't the faculties of his head from the means of his blood.

Q. Now, was not James what was called an idiot? A. No, sir; he was a simple child.

Q. Simple? A. Innocent. Well, I am not talking about James; I didn't bring James in at all.

Q. Well, he was an idiot? A. He was not an idiot.

Q. What was he? A. He was a simple and tender child,—James.

Q. Now, is not this the fact, madam, that your habits were such that you were accustomed to drinking intoxicating liquors to excess? A. No, sir.

Q. And your husband didn't live with you? A. No, sir; he did. No, sir; I contradict it. My husband lived with me, has lived with me, and will live with me always until he dies, and then of course I have to let him go. When he lies in his grave, then he will have to go; but he will never go until the Lord calls him.

Q. Now, tell me this: Why didn't you stay at Tewksbury more than three weeks? A. Because Col. Tripp thought it was best to send me to Bridgewater with the rest of the gang,

because he made out I took a glass of sarsaparilla, or a glass of cider or cold water.

Q. Did you get this sarsaparilla in Tewksbury? A. They heard I got it in Cambridge, and he went and found out I did it, and took something of my own up there; and he said it was worse when he sentenced me.

Q. Well, he did sentence you? A. Yes, sir.

Q. (By Gov. Butler.) Who was the judge? A. They said he was some sort of a farmer from Lowell; that big stout fellow from Lowell, I think it was. He judged us from Tewksbury to Bridgewater. I felt better in Bridgewater than in Tewksbury.

Q. (By Mr. Brown.) Yourself and babe were well used at Bridgewater? A. Yes, sir.

Q. You left Tewksbury and went to Bridgewater. Now, how many of you went there? A. Three went to Monson and two more remained in Tewksbury while I was serving sentence in Bridgewater, that I did honorably.

Q. Now are you certain that you had six children when you went to Tewksbury? A. Yes, sir; I am certain.

Q. Well, give me the names of those children? A. Yes, sir; I will that, in good shape.

Gov. Butler. Begin with the oldest.

The Witness. Mary was the first, Patrick the next, Bridget the next, James the next, and Nellie, — it was seven, — and Eddie was seven; well, I made a mistake about what I had in my arms.

Q. How old was Edward? A. A year and three months.

Q. How old was the one you had in your arms? A. Edward was the one — a year and three months. He was a delicate boy. He was not just strong enough to let me go from him, and this Mrs. Leonard never took him away. She said I never should have him taken from me while I was in Bridgewater; she was an honorable woman.

Q. What was her full name? A. Mrs. Leonard, — Mrs. Capt. Leonard at Bridgewater.

Q. Now tell me the names of those nurses that you had to do with at Tewksbury. A. Miss McKinnon is the only one, and Miss McDonald.

Q. Well, do I understand you and your child were in the foundling hospital. A. No, sir; we were not in the foundling hospital.

Q. Who was? Q. That was Nellie. That was the one that went crazy.

Q. She was five years old? A. She was three and a half; and now she is going on for eight years old I expect, now.

Q. She was but three and a half years of age in 1877 and now she is eight? A. Well, you can calculate that just as well as me.

Q. And you say she has not her faculties? A. No, sir; because she was dosed with morphine, I suppose, and the tying of her hands.

Q. You say she had not her faculties because she was dosed with morphia. Did you see it? A. Of course I didn't. I supposed it was whipping her, because my Mary Powers was told by a little girl who left the foundling house. They used to be kept there until sentence day, as they called it. That day all the children and the mothers would be sentenced somewhere. This girl, twelve or thirteen, had left the foundling and was sent to Monson. She told my Mary the story. She said every day of her life Nellie was tied in her chair for two hours; and she says: "Mary Powers, there was never such scenery as to see your little sister Nellie in the foundling." It made my little girl turn very pale. Mrs. Burbank would not have allowed it if she had been there.

Q. You never told anybody about this until this investigation commenced? A. Certainly, I did.

Q. Who? A. Ever so many in Cambridge; my friends.

Q. Who? A. I will name one, — Mrs. Gould, she lives at the reservoir at Cambridge.

Q. On what street? A. Highland Street.

Q. Anybody else? A. Yes, sir; there is more than that.

Q. Who did you tell besides Mrs. Gould? A. Oh, I have told a great many. I told those friends I used to work for.

Q. Where did you say you live now? A. West Somerville.

Q. What street? A. Murdock Street.

Q. What number? A. There is not any number to my house now; it is a small house.

Q. How long have you lived there? A. I have lived there as much as a year and four months, I believe. Before that I lived in another house ten months.

Q. How long did you stay at Bridgewater? A. I did not stay there to serve my time.

Q. You came out? A. No, sir; I did not come out at all until that year was up.

Q. Then, you came out in 1878? A. I came out just about in time to see my child alive in Tewksbury, I think it was; it was alive, anyhow.

Q. Where did you first go to live after you left Bridgewater? A. I was transferred, if you please, from there into a place called South Framingham, with the rest of the ladies; no matter how good they were, or how bad, I had to go with them.

Q. Well, what institution was it at South Framingham that you were transferred to? A. Well, to finish the time at Bridgewater. It was to be made over for men, and the women, I understood they were to go and serve the remainder of their year in the South Framingham prison, sir.

Q. Don't you mean Sherborn prison? A. I mean Sherborn prison.

Q. Prison for women? A. Yes, sir.

Q. Now, when did you come away from Sherborn? A. I got away from Sherborn when the year was up, of course.

Q. I want to know when you left.

Gov. Butler. She has told you.

The Witness. I stayed four months in Bridgewater, and the remainder of my time I had to bring it up in Sherborn, and a cruel place it was, too.

Q. I want to know where your husband and you and your family went to keeping house after you came out of Sherborn? A. My husband had as much work as he could do. The first place I went home to my husband when I came out of prison was to Somerville. He had a house for me when I came home. And that was down on a place called Somerville Avenue.

Q. Do you recollect the number? A. There was no number: it was just a small house. We didn't keep a large house.

Q. How long did you live there? A. I lived there, I suppose, four or five months.

Q. Then you moved to where? A. Then I moved up to Highland Avenue, Somerville, where I had my house prepared to bring my children in.

Q. Then you got your family together? A. My boy was sick; my lovely little boy was sick.

Q. Do you recollect when this morphine was given to your child? A. I recollect when it was given.

Q. Did you ever smell the morphine that was given to your child? A. No, sir.

Q. Never did? A. I could not smell what was given her when I was far away from her. I have seen symptoms of it in my child's looks and otherwise.

Q. What were the symptoms? A. Oh, this child! The doctor cannot find that out.

Q. How did the child act? A. As she had about the feeling like a child when she was whipped and beaten.

Q. Excuse me; I mean when she had taken the morphine, how did she act? A. Well, I could not tell you. I did not see her act. I was not there when she went out.

Q. You spoke of her having appeared very strange, and since this investigation you have discovered it was on account of morphia. Now, tell us how she acted. A. It was something I could not make mention of.

Q. Tell us about it. A. I could not. There is something in the nature of the child, I could not describe it. It is something I cannot describe just now.

Q. Was she in great pain? A. Oftentimes, sir.

Q. You now think she had morphia? A. As I do believe, since it was going, she had a share of it; more than that, because she was the only child that cried so bad for her mother.

Q. She had paroxysms of pain, did she? A. Oh, no; not so bad as that. It was something unnatural, that I could not describe, about my child that I know it proceeded from.

Q. (By Gov. Butler.) When you say she behaved strangely, do you mean since she got home? A. Yes, sir.

Q. (By Mr. Chamberlain.) Did Mr. Parsons or Mr. Newmarch send you to Tewksbury? A. Mr. Newmarch, I believe.

Q. Did he tell you where you were to go? A. He told me that Thomas Marsh would take me, and he told him to be sure and take good care of me.

Testimony of George Pillsbury (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Pillsbury, how long have you lived in Tewksbury? A. Something over thirty years.

Q. You are a farmer there? A. Yes, sir.

Q. Do you live far from the almshouse? A. About a mile.

Q. Is that your handwriting? [Presenting a paper.] A. It is.

Q. Did you make the sales to Tewksbury almshouse that you copied on to that? A. I did.

Q. Have you your book from which it is copied? A. Yes, sir.

Q. Is this a correct account? A. It is, except in one item. There it is stated that 72 quarts of milk were sold a day for 25 months. The first month another party failing to provide what he agreed to, I carried more than that quantity. For two years there was just so much a day.

Q. That is to say, you say you sold it twenty-five months; and these can be found day by day on your book? A. They can.

Q. Then we will keep this. And you paid the prices? To whom did you pay this? A. I paid, I think, in every instance, except one, Capt. Marsh himself. One time I failed to see him, and sent the money the next day by the boy. He paid it to Charles B. Marsh, the clerk.

Q. What was that for? Do you remember? A. Well, that was for calves and a pig.

Q. Then you have got day and date on your book for these? A. I have.

Q. Now, did you bid for the milk? A. I did, several times.

Q. Did you get it every time? A. Only once.

Q. Who bid against you? A. I understood every time that it was the town of Billerica,—well, we will say, George P. Elliot, for the town of Billerica, and Porter Livingston, for himself.

Q. Elliot was one of the trustees? A. He was.

Q. Well, you bid, did you? What did you bid? A. I cannot state the exact sum that I bid each time; but one time, I know, I feel sure that it was four cents and a third; I am not sure about the so many cents, but the third, — and the other bid was the same number of cents and a half. The other party got it that time.

Q. Who got it that time? A. That was the town of Billerica and Porter Livingston.

Q. And they furnished it all this time? A. They did.

Q. Did you say anything to Capt. Marsh about why you didn't get it? A. I asked him why it was that it was given to

the other parties, and he mentioned the miserable fraction,—the third of a cent, I suppose.

Q. He said what? A. He said he didn't like the miserable fraction I had given, and said it might make some trouble. Afterwards I spoke to him, and gave him a pretty good blowing up, and told him that he or his clerk, if they had half common sense, could reckon up what milk would come to at so many cents and a third per quart, and I thought it was a miserable excuse. I told him it was all bosh, and if I was a man of his standing, I would not make so miserable an excuse as that; and he didn't again.

Cross-examination by Mr. Brown.

Q. Now, this is a memorandum, as I understand it, taken from your book, showing goods sold at the almshouse.

Gov. Butler. To the almshouse.

The Witness. Well, these things are what I bought. The milk I sold; the calves and pigs I bought at the almshouse.

Q. That is to say, May 8, 1876, you bought a calf; May 24, 1873, three calves, three dollars. A. That means a dollar each.

Q. June 12, 1879, one calf, $1.75; July 29, 1879, one calf, $1.75; June 8, 1881, one calf, $1; June 18, 1881, one calf, $1. These are all on your book? A. I think they are.

Mr. Brown. Let me see your book.

[The witness produced his book.]

Gov. Butler. Look at the item about that pig.

Mr. Brown. Let us take the calf first.

Gov. Butler. Mr. Brown is interested in the calf.

Q. (By Mr. Brown.) Is that book in your hand-writing? A. It is, sir.

Q. That book commences away back in 1868. The first entry is on the first day of January, 1868? A. I presume so.

Q. Here are two columns, and you kept an account of purchases and sales on the same page. And in the right-hand column is what? A. What I sold.

Q. And in the left-hand column is what you bought. A. Yes, sir.

Q. It is a sort of debit and credit account of merchandise, as it were. Now, turn to the calf. A. The second one?

Q. No, the first one — May 8, 1876. A. That is the only case, I think, where you will find a difference. Sometimes I

would not know the price of a thing and not put it down until I got it. Probably it was paid the twenty-sixth.

Q. Now, this calf that was bought on the eighth don't appear on the book until the twenty-second? A. No, sir.

Q. And the only reason you can suggest is because you didn't pay for it until the twenty-second? A. Yes, sir.

Q. Now, let us take the next item: May 24, 1879. Turn to that item, please.

The CHAIRMAN. Your cross-examination will take some time, won't it, Mr. Brown?

Mr. BROWN. Yes, sir.

Adjourned until Monday, April 23, at 9.30 A.M.

FOURTEENTH HEARING.

MONDAY, April 23.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Gentlemen will come to order. A quorum is present and we are ready to proceed.

GOV. BUTLER. Is Deacon Pillsbury present?

TESTIMONY OF GEORGE PILLSBURY (*resumed*).

The WITNESS. Mr. Chairman and gentlemen of the committee, I would like to state a word or two in explanation of this paper, with your permission.

The CHAIRMAN. Yes, sir.

The WITNESS. The very first item here is a calf. I said to Mr. Brown, in answer to his question on Thursday, that the probable reason why it was not entered on the twenty-sixth, was because it was not paid then; but come to look over and consider the matter, I think that was a mistake. It has always been my rule to note down the day the property changed hands. I see by looking at the account, there were twenty items put down that evening, and that probably slipped my mind. Subsequently I bought a calf of a neighbor, and in putting it down, although I have no recollection of it, I probably noticed that this was not down, and put it down at that time I made the entry in regard to the calf I bought of my neighbor. Then in regard to the pig I will say that it was not really bought at the time I took it. The first day of December I took the pig. Capt. Marsh said: "You may take the pig and have the use of it," but he would not say positively that he would sell it; and I put down the pig, and opposite the charge, "State." About three weeks afterwards I called — I have not given the exact date, and it may have been a little more or a little less, — I called on Capt. Marsh and asked him if he was ready to sell the pig. He said he was. I inquired for the price, and he said:

"I sold the other for ten dollars, and you may have this for the same." In regard to the milk, it says, seventy-two quarts a day for twenty-five months. That was the contract. But about three days after commencing to supply the milk, the other man that had supplied, quit supplying it. Capt. Marsh inquired if I could furnish more. I told him I would do the best I could, and in that month I furnished 1,761 quarts of milk more than the seventy-two quarts per day. At the end of that month, other parties supplied seventy-two quarts per day, and I supplied seventy-two quarts per day for the next twenty-four months. In regard to the contract which was mentioned, when other parties were given more than I offered to supply it for, I don't think Capt. Marsh was the person to blame; I believe it was the inspector, who, as inspector of the almshouse, and chairman of the selectmen of the town of Billerica, took the privilege of giving it to the town of Billerica, and another person. I believe if Capt. Marsh could have had his own way, he would have given it to the lowest bidder.

Gov. BUTLER. Thank you.

Mr. WOLCOTT. What is the full name of the witness?

The WITNESS. George Pillsbury.

The CHAIRMAN. Mr. Brown, do you wish to finish your cross-examination?

Mr. BROWN. Yes, sir.

Cross-examination resumed.

Mr. BROWN. Now, Mr. Pillsbury, I wish you would turn in your book to the item of May 24, 1879.

[The witness pointed out in his book the items of May 24, 1879, June 12, 1879, and July 29, 1879.]

Q. (By Mr. BROWN.) Now, why did you put down "State" in one instance and "S. A. H." in another? A. For no particular reason. One is the State almshouse and the other is the State. I didn't buy of any other State concern.

Q. Now look at June 8, 1881.

[The witness pointed out in his book the items of June 8, 1881, August 24, 1882, and July 27, 1882.]

The WITNESS. Well, in looking through the book the first time I missed one in July, and afterwards it was put down. They are not in exact order. In looking through again I found it.

Q. Now September 18, 1882. [Referring to the book.] Is that it there? A. I should say it was.

Q. Now December 1st, 1882.

Gov. Butler. A ten dollar pig.

The Witness. There is one there that I didn't happen to notice, but the detective, in looking over my account, noticed it and put it down there.

Q. Now, Mr. Pillsbury, did you take any memorandum when you bought this property?

Gov. Butler. Take any bill of sale, I suppose you mean.

Mr. Brown. Any bill of sale.

The Witness. I did not.

Q. Looking at your books and refreshing your recollection in any way, can you designate any one of those items where Mr. Marsh delivered to you the property and received the money? A. Well, I don't know as I can. I spoke to him for the calves.

Q. Never mind about that. Can you point out any one of those items and say that you paid to Mr. Marsh either of the sums of money indicated by that memorandum? A. I can.

Q. You can? A. Yes, sir.

Q. Which? A. Well, begin at the last end in regard to the pig.

Q. You paid him for the pig, personally? A. I did.

Q. When was it? A. It was in the office.

Q. On the day of that date? A. No, sir; it was not.

Q. When was it? A. As I said before it was something like two weeks afterwards. I did not pay him at the time I took the pig.

Q. Now commencing with the last item about the pig, go on and point out any other item where you are able to swear you paid Mr. Marsh personally? A. I don't recollect the items, particularly, but I know that I usually, especially the last two years, — I think in every case but one, — I paid the money to Capt. Marsh.

Q. Now what was this one case? A. Well, in one case I didn't see him when I went for the pig. The next morning, when the boy came for the milk, I gave the money to him; and he said he didn't see Capt. Marsh but paid it to his son Charles, and he thought he noted it down in the book.

Q. Well, now, is not this the fact: that you paid many of these sums of money to a man by the name of Poor, the head

farmer? A. Not many of them. I might have paid a few at the first.

Q. You might have paid some of them? A. Yes, sir.

Q. You will swear you did not pay them all to him except for the pig? A. I will.

Q. You will? A. Yes, sir.

Q. Now will you tell us what of these items you paid to Poor? A. I cannot.

Q. It was a fact, was it not, that Mr. Poor always delivered to you the property? Didn't he always go out to the barn or to the pen, wherever it was, and attend to the delivery of the property? A. It was seldom that he did.

Q. Who did do it? A. Well, usually a man by the name of Taylor, an inmate.

Q. Now, do you recollect any instance in which Mr. Marsh, Sr., went to the barn, or to the pen, and delivered to you the property? A. I don't recollect.

Q. You don't recollect any instance. Do you recollect any instance where you had conversation with Mr. Marsh in regard to the delivery of property on the day on which it was delivered? A. I don't know as I can recollect any particular date. I generally spoke to him for the calves, and I engaged calves of him before, frequently.

Q. Now, what kind of calves were they? A. They were usually young calves, a day or two old.

Q. And they were taken from the cow for the reason that they didn't want them to suckle the cows, I suppose? A. Yes, sir.

Q. (By Gov. Butler.) You find all the items on the book, do you? A. I do.

Q. This pig seems to be down here on the 1st of December; you find that to be a mistake, and it was paid to you afterwards, sometime? A. That was a custom of mine, in keeping my books. Suppose a butcher comes along and buys a calf. When he takes the calf I note down the fact, and put down his name. When he finds the weight of it, he tells me, and I put down the price. At this time, when I took this, he would not promise that I should have it.

Q. This was a pig? A. Yes, sir; this was a pig. He would not promise certain that he would sell it. I put down the date I took it.

Q. Afterwards you bought it? A. Afterwards I bought it.

Q. No doubt about your having paid for it? A. No, sir. I went to the office three weeks after and asked him if he was ready to let me have it.

Q. Do you know it was exactly three weeks afterwards? A. No; it might have been more or less.

Q. Then you put into the hands of Thomas Marsh, Sr., ten dollars, did you? A. I did.

Q. No doubt about that? A. No; I am sure about that.

Q. Now, then, have you been talking with Mr. Marsh or anybody since you went on the stand? A. I have not.

Q. Nobody has said a word to you, or you to them? A. No.

Q. Now, about Mr. Elliot. Mr. Elliot is one of the trustees, is he? A. He is.

Q. And he was also one of the overseers of the poor of the town of Billerica? A. Yes, sir.

Q. And you have acquitted Mr. Marsh in your own mind for not having taken the lowest bid, because you think that was caused by Elliot, who was over him? A. Yes, sir; that is my impression.

Q. Didn't Marsh tell you so when you went to blow him up? A. I don't think he mentioned it at all. He mentioned it was a miserable fraction, and I told him I thought it was a miserable excuse.

Q. Well, and then was anything said by him, any other excuse? A. He never mentioned anything.

Q. (By Mr. Brown.) A single question. You say that Mr. Elliot, one of the trustees, was also one of the selectmen of the town of Billerica?

Gov. Butler. One of the overseers of the poor, he says.

The Witness. Well, in most of the towns the selectmen are the overseers of the poor.

Q. Well, I want to get at the fact, whether or not you know that at the time Mr. Elliot was trustee he was also one of the overseers of the town of Billerica? A. Yes, sir.

Q. In your mind that had to do with the fact that your contract for milk was refused, did it? A. I believe so.

Q. Now, will you tell this committee whether you had any knowledge that Mr. Elliot refused to act on the committee to settle that question as to whether your contract should be taken or refused? A. I never heard of it.

Q. And you don't know that that is a fact? A. I do not.

Q. And without knowing whether that is a fact, you are willing to come here and charge Mr. Elliot in this manner, are you? A. It is what I believe, and I have had reason to believe that a great many things were done differently —

Q. Well, never mind that. I refer to this particular thing. Without knowing whether Mr. Elliot had acted or not, you sit here willing to charge him with that delinquency, do you? A. Yes, sir.

Gov. Butler. I find in the cash-book [of the Tewksbury almshouse], and it will be difficult to find any other charge: December 5, cash received for head, feet, and — something; tripe, I think, — one dollar. I don't read the other word, eight dollars; pig, five dollars.

The Chairman. Is the year given?

Gov. Butler. Yes, sir: the same year, the 12th of December. He says he took it before, and didn't pay for it until afterwards, and his memorandum shows it. December 1st. He says he didn't pay until afterwards, and he then paid into the hands of Mr. Marsh ten dollars; and the cash-book shows the only credit to the Commonwealth is five dollars; five dollars has dropped out somewhere.

Mr. Brown. Let me see it.

Gov. Butler. Yes, sir. I won't stop now, but hereafter we shall find that some of these calves dropped out in the same way.

The Chairman. Does that memorandum go into the case.

Gov. Butler. Yes, sir.

Purchased of Thomas J. Marsh, Superintendent State Almshouse.

1876.	May 8.	1 calf, paid May 22,	$1 00
1879.	May 24	3 calves,	3 00
1879.	June 12.	1 calf,	1 25
1879.	July 29.	1 calf,	1 25
1881.	June 8.	1 calf,	1 00
1881.	June 18.	1 calf,	1 00
1882.	Aug. 24.	1 calf,	1 25
1882.	July 27.	1 calf,	1 25
1882.	Sept. 14.	1 calf,	1 25
1882.	Dec. 1.	1 pig,	10 00

Sold 72 quarts of milk per day for 25 months, ending May 31, 1882, at 3¼ cents per quart.

[April 26, 1880. 1 calf, $1.00.]

TESTIMONY OF EDMUND R. SANBORN (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name, Mr. Sanborn? A. Edmund Ring Sanborn.

Q. Where are you now living? A. In Cleveland, Ohio.

Q. In what business or profession are you? A. I am in the railroad service.

Q. Were you pastor of a church in Lawrence in 1880? A. Yes, sir.

Q. On leaving your charge did you receive this testimonial? [Showing witness a paper.] A. I did, sir; at least, that is a copy of it.

Q. A printed copy? A. Yes, sir.

Q. Who is the gentleman first named upon it? A. He was then mayor of the city, James R. Simpson.

Q. Whose is the last name upon it? A. Mrs. E. J. Sherman.

Q. The attorney general? A. The attorney general's wife.

Q. And the name behind it is? A. Edgar J. Sherman.

Q. Were they your parishioners? A. They were.

Q. How long had you been in Lawrence? A. Between three and four years.

Q. Pastor of a church there? A. Yes, sir.

Q. Did you know Mr. Spalding, one of the trustees of the State almshouse? A. Yes, sir.

Q. What is his full name? A. William R.; I don't know what his middle name is.

Q. Do you know his brother? A. Which?

Q. Of Tewksbury? A. I am not aware that he has a brother at Tewksbury.

Q. You don't know about that? A. No, sir.

Q. Do you know Benjamin Spalding? A. No, sir; I have no personal acquaintance with a man of that name, although I remember that there was such a man.

Q. Now, sir, did he ever say anything to you about the reason why he was trustee at Tewksbury; why he accepted the commission there and held the office? Won't you state all the circumstances about that carefully. A. Yes, sir. On one occasion, sitting on his piazza with him, I was talking with him about his reappointment, I think it was. At least, he had just

received a commission, as I understood it, and I think he showed me the paper.

Q. Commission as what? A. As trustee, as I remember it; at any rate, as one of the control or management of the almshouse at Tewksbury. On talking the matter over with him I said I didn't understand how he should come to accept a position of that sort which had no emolument attached to it. The reason of that remark was that I never knew him to do anything without sufficient compensation. And he said, as nearly as I recollect, in these words: "Well," he says, "it don't pay anything of course, but if a fellow knows how, he can get something out of it." Then he told me substantially how he got something out of it.

Q. State what he told you? A. It was that he was able to control some of the contracts in connection with the supplies of the institution, and that he could get something out of it in that way. That is the substance of what he said in that conversation.

Q. He was one of your parishioners, was he? A. He was.

Q. What was his business? A. He has been in the clothing business there, I think, and has other business connections also.

Q. Such as what? A. Well, he is in some way connected with one of the savings banks there, and he is a man who does a general dickering with money.

Q. Did you ever hear of his being an apothecary? A. No, sir; I never did.

Q. Did he say on this occasion anything about clothing? A. Well, he said they had very large supplies of clothing at the institution, and that he had succeeded in controlling that or the contract to supply the clothing; and the impression I received then was that he had only an interest in the clothing contracts.

Q. Did he say anything about changing the place of buying? A. Well, as nearly as I can recollect he did, though I cannot say positively about that. I would not say positively that he did say he had changed the place of buying, or the contract, but that is the impression I had.

Q. [Exhibiting a printed copy of a sermon.] Is that a printed copy of the farewell sermon that you delivered? A. Yes, sir.

Q. Won't you read that which refers to him and say whether that was as you remember it, whatever it may be?

The Witness. [Reading.] "When he was recommissioned

as inspector of the State almshouse, he had some difficulty in securing the appointment. Having succeeded, he was naturally somewhat elated. Showing the commission to me he boasted, without any sense, apparently, of what he was saying, that while it had no emolument attached to it, he could and did make it pay. Then he went on to tell how the large clothing trade of the institution had been carried on with a certain house, but he had changed all that, and now he had it where he could manage it and secure something from it."

Gov. BUTLER. Go on a little further.

The Witness. [Reading.] "I ought to have told him to keep such things to himself, but instead, I asked one of his most intimate friends to tell him so. His enmity to me dates just there, and all his opposition has been aroused against me from that moment."

Q. Did you state to other people — after he told you, did you state the fact to any other people except in the sermon? A. The fact that he told this to me?

Q. Yes. A. Oh yes, sir; to a number of parties. Indeed it was very soon afterwards that I asked Mr. Currier, his intimate friend, referred to there, to go and tell him to keep still about such things.

Q. Was he on friendly relations with you up to this time? A. He was, up to some six months before that was delivered, I think.

Q. Before the sermon was delivered? A. Yes, sir.

Q. How long was this before this sermon was delivered? A. I should think a year, or perhaps a little more. As nearly as I can locate it, General, it was in 1879 — some time early in 1879. At least, it was on the day on which he received his reappointment, and the record will show that.

Gov. BUTLER. Yes, sir; the record will show that, and we will try to have it here.

Q. At the time you made this statement in the sermon, was this the thing that he told you, as nearly as you can recollect? A. Yes, sir; as nearly as I can remember, that is the substance of what he said.

Q. You were sent for to come here? A. I was.

Q. And you refused, the first time? A. I did.

Q. And then came an urgent message from me, and you consented to come? A. I did; yes, sir.

Q. Did he ever come to you after it had got out that you

had made this statement,—did he ever come to you and deny it? A. No, sir; he never did. I never heard even that he did deny it.

Q. If he denied it, you never heard of it? A. No, sir.

Q. This sermon was published immediately after its delivery? A. Yes, sir; on the same day.

Cross-examination by Mr. Brown.

Q. Mr. Sanborn, where did you come from to come here? A. This morning?

Q. No, sir. Where were you? A. I live in Cleveland, and came from there directly here.

Q. Preaching there? A. No, sir; I am in the railroad business; I have not preached any since I left Lawrence, — that is, I have not made that my occupation; I have now and then preached.

Q. With what railroad are you connected? A. I am freight agent of the New York, Chicago & St. Louis Railroad at Cleveland, Ohio; the railroad called the "nickel plate."

Q. How long have you been in that position? A. Since the road opened in October last.

Q. This last October? A. Yes, sir.

Q. When was it that you left Lawrence? A. I left there the twenty-ninth or thirtieth of January, 1881.

Q. 1881? A. Yes, sir.

Q. From January, 1881, to October, 1882, what where you doing? A. I was occupied in the railroad business.

Q. Where? A. First in Port Huron, Mich., and afterwards in Pittsburg, Penn., connected with what is called the Chicago & Grand Trunk, in Michigan, and the Pennsylvania & Pan-Handle system, in Pittsburg, with the general manager.

Q. Now, will you let me see that sermon? A. Yes, sir; I have the original of that testimonial, if you want it.

Q. Now, Mr. Sanborn, when was that sermon preached? A. I cannot recollect the date. It was the first Sunday in October, 1880; I think it was the second day, though I do not remember that.

Q. This was your farewell sermon, was it? A. It was the last discourse I delivered in the church.

Q. And from October, 1880, after October, 1880, what did you then next do? A. I went down to my farm, in the State of Maine, sometime in October, and remained a month. After-

wards I came back to my home in Lawrence, and remained there until December, when I went to Michigan, and was gone three weeks. Then I came back again, remaining long enough to pack my household goods, and removed to Port Huron, Mich., in January.

Q. Now, you start this sermon in this way: "What have I to say why the sentence of death should not be passed upon me?" Did you understand the sentence of death had been passed upon you, or was that simply a metaphor? A. It is a quotation, sir. It is a text.

Q. I see there is no reference made to the Bible, and I didn't know where it came from? A. Everybody in the profession ought to know, sir.

Q. You used that as a metaphor? You had been dismissed from that society? A. No, sir; I had not.

Q. What had been done to you? A. I had resigned; and after my resignation the people whom Mr. Spalding had obtained assistance from in the matter, had decided, through the trustees, to close the pulpit during the three months which I was expected, under the contract with the society, as its pastor, to remain and preach.

Q. In other words, the trustees of the church, rather than have you preach, had decided to close that church for three months? A. I don't think so, sir. They didn't close it.

Q. Well, is that the substance of it? A. Rather than have me preach —

Q. Rather than have you preach, they closed the church? A. Rather than have me preach, they asked me not to preach.

Q. Now where did you preach before you came to Lawrence? A. Where? I preached in several places.

Q. The last place. Just tell me right off the last place? A. The last settlement I had was in Leavenworth, Kan.

Q. Did you preach in Portland, Maine, at any time? A. I have preached there on exchange.

Q. Were you ever settled in Portland? A. No, sir.

Q. Were you settled in Leavenworth? A. I was.

Q. Why did you leave Leavenworth? A. Because I wanted to.

Q. Did anybody else want you to leave Leavenworth? A. Not that I am aware of. If you desire to know about that, I will present to you testimonials from persons in my parish there.

Q. (By Gov. Butler.) Well, let us see, have you got them with you? A. No, sir; I have not, but I have them in my possession.

Q. (By Mr. Brown.) Where were you in November, 1880? A. I was in the State of Maine.

Q. In the State of Maine? A. Yes, sir.

Q. Was your attention ever called to the Methuen "Enterprise," under date of November 13, 1880, to an article entitled "Rev. Mr. Sanborn's antics?" A. Yes, sir.

Q. Did you ever deny it? A. I did.

Q. In public print? A. Certainly.

Q. Where? A. In the Lawrence papers.

Q. What one? A. Well, I think in both of them.

Q. Did you ever deny the article copied in the Methuen "Enterprise" from the "Kansas City Times," dated October 25? A. I did.

Q. When? A. In many communications that I made.

Q. Where? In what place? A. I don't think I have denied it in any public print here, but I did in Kansas. Mr. Anthony, the editor of the Leavenworth "Times," was written to and took occasion to deny it; that is all I know about it. I had had sufficient correspondence at that time published about the matter, and paid no further attention to what was published, at all.

Q. Did you ever deny, in any Massachusetts paper, the article published about you in the "Kansas City Times?" A. Well, I don't know that there is anything published about me in the "Kansas City Times" which required any denial. Can you show that there is anything?

Mr. Brown. I will come to that by and by.

Q. Now let us see. What were the charges made against you in Lawrence? A. There were none made. The trouble was I could not succeed in getting any.

Q. What were the accusations made against you? A. The accusation was denied; that is, what I supposed I was accused of was publicly denied by Mr. Spalding in the open meeting of the church to which I summoned them to make their charges.

Q. What were they? A. What were what?

Q. What were the charges which you say Mr. Spalding denied? A. I said he had made insinuations against my moral character.

Q. Your moral character? A. Yes, sir. And I asked him

to present any charges, and he denied he had ever made any such insinuations.

Q. Did you ever know what the charges against your moral character were in Lawrence, on account of which the trustees preferred you should not preach in the church? A. I know that the trustees didn't make any charges against me, and I know they didn't frame their action on any accusations made against me. I know that the treasurer of the trustees did say to me personally, that while they deprecated the charge they did think, as so much trouble had been occasioned by the action of Mr. Spalding, that it would be better that the pastorate should sever, and consequently they acted as they did. That I know. And I presume that a majority of the trustees to whom you will refer will substantiate my statement, if you desire.

Q. Now, won't you answer my question?

Gov. Butler. I think it has been fully answered.

The Witness. What is it?

Mr. Brown. I asked you if you knew what the stories were that were circulated about you.

Gov. Butler. No, you didn't.

Mr. Brown. Well, I ask it now.

The Witness. I don't know what stories were circulated, but there were vague, uncertain, indefinite, mean, low, debased insinuations, which all emanated from Mr. Spalding, of which he would give no proof to persons to whom he gave them, and for which he himself absolutely denied authority to myself in open meeting of my parish. [Applause.]

The Chairman. The chair will say that unless the committee otherwise orders, if this applause is repeated, he will ask the doorkeeper to clear the hall.

Gov. Butler. Of the men who make the applause, I suppose.

Q. Well, now, was not one of the stories which was circulated about you this: that you went down to Maine trout-fishing, and took a woman into your camp and slept with her, who was not your wife? A. I never heard of it before.

Q. Never did? Never heard the slightest allusion to anything of the kind? A. In the first place, I cannot conceive the occasion of such a thing, because I never went down trout-fishing and had a camp that I remember, while I lived in Lawrence.

Q. No truth in that story? A. Not that I know of.

Q. And you never heard of that before? A. No, sir.

Q. Well, what was the story that came to your ear which affected your moral character? A. I never heard any definite story. I have been unable, to this day, to find that there was anything definite charged.

Q. Were you ever able to learn that any definite story came to the ears of the trustees? A. I never was.

Q. Never was? A. No, sir.

Q. Pray, who were these trustees? A. I don't know that I can name them all now, sir; it is some time since I was there. Joseph Shattuck was one. Dyer S. Hall was another; I think Arthur Dyer was another; Mr. Spalding was one.

Q. Who else? A. I think Mr. Harnden was one at that time; I don't remember about that. There were six or seven of them.

Q. Well, have you stated all that you can recollect? A. All I recollect at present.

Q. Were you ever recognized by the Unitarian Association? A. What do you mean? Define the term in that connection.

Q. Well, were you ever a member of the Unitarian Association? A. You mean the American Unitarian Association as a legal organization?

Q. Well, just state it either way you see fit. A. Well, the Unitarian body, I suppose you are aware, is a very elastic body. And, also, I suppose you know there is an American Unitarian Association, which is a legal body.

Q. Now, do you belong to that? A. I do not. Its membership is limited only to those who pay certain sums.

Q. Now, was there any other Unitarian Association that you belong to? A. Yes, sir.

Q. What is that? A. I am a member of the Western Unitarian Conference.

Q. Were you when at Lawrence? A. I was not; but I was recognized as the minister of the Unitarian Society in Lawrence, and my name appeared as such in the American Unitarian year-book.

Q. Now, Mr. Sanborn, if I understand you, these trustees, whose names you have called, with some others that you do not recollect, decided to have that church closed rather than to have you preach in it, as you say, on account of certain vague and indefinite statements in regard to your moral character? A. I didn't say so. You have misstated me.

Q. Well, is that the substance of it? A. It is not anything like it. I said the fact was this: That the trustees said this to me, a majority of them, after action, and even before and during the continuation of the trouble, that as so much trouble had been created, while they deplored my leaving the parish and would prefer to have me remain, as Mr. Spalding had made so much fuss about it, they thought it better that the pastorate should sever after my preaching this discourse, making, as I thought, a fair, stand-up, manly fight against the low, debased creature, — they thought it was bringing the society into such publicity that they preferred not to take any further risk of that sort. Consequently they asked me to preach no more during the three months I was to preach.

Q. That is precisely the way it stood, was it? A. As I understand it.

Q. You hadn't any hostility to Mr. Spalding, had you? A. I think I had some at that time.

Q. Nothing more than Christian indignation, was it? A. Well, I think there was a good deal of the Adam about it.

Q. You took occasion in the circular, in reply to this letter of confidence, to state your position with Mr. Spalding, did you not? A. Well, I think I did.

Q. The circular starting, "Dear friends." Does that fairly represent your sentiment at that time toward Mr. Spalding? A. I have not looked at it since I preached it.

Q. Was that preached? A. No, sir; I refer to the sermon. This is a copy of my response to this testimonial, and is, I suppose a statement of the whole case; and not only that, but was intended to be, as it was said, rather a constant reminder to those good people of the discreditable associations into which they had unconsciously been thrown, and assure them, as I did at the last, if I remember correctly, — although I have not read it since it was printed, — to assure them that while these things were discreditable, irreligious and low, the cause of true religion and the true church were not really touched by them.

Q. But lest it might be, you went into the railroad business; is that it? A. What, sir?

Q. Lest it might be, you went into the railroad business; is that it? A. I don't understand your question.

Mr. Brown. If you will sit down perhaps we will get along better.

The Witness. [Still standing and advancing towards Mr.

Brown.] I want you to be careful how you ask me such questions.

The Chairman. Mr. Witness, will you sit down!

The Witness. I desire to say —

The Chairman. Sit down, Mr. Witness!

The Witness. That the questioner should keep his mouth in proper order.

Gov. Butler. I don't think this witness should be made to sit down.

The Witness. If any private confidences are desired I will hear his first.

The Chairman. If you desire to stand, you may stand in your place; but you must not advance towards the counsel.

Mr. Mellen. I would suggest that the chairman object when anything insulting is asked the witness. I don't blame the man for feeling like resenting such a question by standing.

The Chairman. I suppose, in a hearing of this kind, counsel have a right to go into a pretty prolonged cross-examination if they see fit. The counsel on both sides have not been limited by the committee in respect to the investigation. If questions are asked which are improper, I take it that Gov. Butler will object, and that the committee need not take that duty upon themselves.

Gov. Butler. All I can say is that it was not a question, and therefore I could not object. It was a remark, — I suppose, then, that in order that free religion might flourish, you left the church, or words to that effect. It was simply an imputation upon the witness which he would have been less than mortal —

The Chairman. I think he may resent it; but, of course, if he approaches the counsel it may lead to an altercation.

Gov. Butler. He is a Western man, you know.

The Chairman. It may lead to an altercation, which, of course, none of us desire. Proceed, Mr. Brown.

The Witness. May I say a word in regard to the matter?

The Chairman. You may.

The Witness. I wished to have him distinctly repeat the remark several times, that I might know the full character of it. I drew near to him for that purpose. I was indignant, and, certainly, I should naturally be so. And I wish to say that while I am perfectly willing to answer all reasonable questions in the case to which I am called, I do not desire to impart any private

confidences of any sort whatever, nor to have any imputations cast upon my character, which I hold to be sacred, and which, in spite of all the aspersions and the innuendoes which are now being brought to bear touching my testimony here, is unimpeachable, I am sure, and to which I can bring testimonials from prominent men of ten different States, if it is desired.

The CHAIRMAN. I think the governor will protect you in this examination, if you will answer the questions that are put.

Gov. BUTLER. I will against any questions, sir.

Mr. MELLEN. It should be the place of the committee to protect him against any insult or innuendoes, anything that is uncalled for, — it is the chairman's place as representing the committee.

The CHAIRMAN. I am used to seeing a cross-examination go a little further, perhaps, than other members of the committee.

Mr. MELLEN. Well, perhaps so, but I don't want to see it transcend the bounds of decency and courtesy.

The CHAIRMAN. I don't mean that it shall, but, I think, as long as counsel do not object —

Mr. MELLEN. I may, if counsel don't.

The CHAIRMAN. Go ahead, Mr. Brown.

Q. (By Mr. BROWN.) I will put the question to you in this form, — did you leave the ministry to go into the railroad business, in the interest, as you understood, of true religion? A. No, sir.

Q. What was the occasion? A. I left the ministry and went into the railroad business simply because I chose never again to put myself in a situation where my character would undergo the trials it did at Lawrence.

Q. And, as a minister of the gospel, your character was liable to undergo such a strain that you could not stand it, — isn't that the fact? A. Is that a question?

Q. Yes, sir; that is a question; I ask if that is a fact. A. No, sir; it is not a fact; it is false.

Q. Then, will you please explain why your character was subjected to less strain in the railroad business than it was in the position of a clergyman? A. Simply because, in the railroad business, as I have been occupied since leaving the ministry, I have not been brought into such personal contact with such infinite scoundrels as Mr. Spalding.

Q. Mr. Sanborn, did it ever occur to you, or wasn't it a curious state of things in your judgment, when you were at

Lawrence, that a man of this low character should influence an honorable board of trustees so that they were willing to have their church shut up rather than have you preach? A. It was a very remarkable circumstance, but easily explained. If you desire it I will explain it.

Mr. Brown. Well, let us see; wait one moment.

Gov. Butler. I think the witness is entitled to his explanation.

Mr. Brown. He is entitled to it when I get through with my examination, not before.

Gov. Butler. No! I deny that.

The Chairman. It may facilitate the hearing to let him explain now.

Gov. Butler. He has a right to explain his answer when he makes it.

The Witness. The answer I have to the question is that Mr. Spalding had, during many years of connection with that parish, been able to control it by ways that are indescribable, — Bret Harte would say, "ways that, are dark and tricks that are vain," — and had succeeded in doing so to the ultimate removal of every pastor who preceded me there, as is stated in that address, I think. Further than that, he has a reputation which, I think I will be borne out in saying by a large majority of the people of Lawrence, is not of the best quality, but of such a quality that a large proportion of the best people in Lawrence are really, and have been for many years, somewhat afraid of him. He has had a great influence in his ward and city in political matters, and all those best people who are interested in politics have been obliged, more or less, to cultivate his love. Again, he has a certain knot of personal friends who are interested with him, indirectly, in many business transactions. Those men, three or four whom I might name, but prefer not to, have always been allied with him in the management of his ward politics and in the management of his church, which has been conducted in precisely the same manner. My controversy with Mr. Spalding arose, probably, in the first place from the fact that, as I remarked in the beginning, he never was known, I think, to do anything without pay. He never was known to associate himself in any activity without in some way getting remuneration in cash. Consequently, in doing the business transactions of that parish, — which I did almost wholly during the time I was

there, of course, under the general supervision of the trustees, — he, in various ways, attempted little schemes, — as he is known to do in all instances, I think, — and I, without any hesitation, but quietly, it afterwards, of course, coming to his knowledge, obstructed him and defeated his ends. Consequently he used such means as he had with those about him to create a feeling against me in the minds of a few men. But, as it is said here in this discourse, upon finding that any one had alleged anything of dissatisfaction against me as the pastor of the society, I undertook to find out what it was, and it was utterly impossible to find a single person who alleged or believed that there was any dissatisfaction. But, going from one to another, he would create in their minds that such another one or this one was dissatisfied, and so it at last aroused a storm of which I was made acquainted by other people in the parish, previously having had no intimation of any difficulty. Well, now, the methods by which he has controlled the parish, and by which he took that action, have been such as every man who is acquainted at all with political management will at once understand and will know are indescribable.

The Chairman. Now, then, Mr. Brown.

Q. (By Mr. Brown.) Now, Mr. Sanborn, do you mean to say the condition of things is such in all the Unitarian churches in the United States — A. Beg your pardon, sir; I do not refer to all the Unitarian churches in the United States.

Q. If you will wait and hear my question perhaps you will be wiser. Do you mean to say that the condition is such in all the Unitarian churches in the United States that an enterprising, intelligent, pure-minded, faithful clergyman, like yourself, as you was at Lawrence, could not get employment? A. No, sir; I could go into the Unitarian ministry and get employment at any time.

Q. But you prefer the railroad business? A. I have been requested to repeatedly.

Q. But you prefer the railroad business, for the purpose you have stated? A. I think so; yes, sir; I don't know what you refer to as the reason.

Q. You remember what you said the reason was? A. I remember I said I left the ministry because I chose to do so.

Q. In substance, because there was less strain upon your character? A. No, sir; I didn't say that; that is a term I didn't use, sir.

Q. Wasn't that the substance of it? A. No, sir; it was not the substance of it. The terms are used differently, Mr. Brown.

Q. Explain again what was the real reason. A. They were used in widely different manner. What I said was I did not wish to submit myself to a situation by which I could possibly be subjected to the condition of things, — to trials; I think I used that word, — that I was subjected to in Lawrence, and by leaving the ministry I could avoid that possibility. I do not intimate, sir, by any means, and I do not like to have you intimate, that it was probable I should be submitted to that again.

Mr. Gilmore. I should like to inquire whether we are investigating the affairs at Tewksbury or the affairs of the Unitarian church of the country?

Mr. Brown. That is all, sir.

Q. (By Gov. Butler.) I should like to ask you about this letter; how many names are there here? A. I think they represent, I should say, sixty families.

Q. Are these among the very best people in Lawrence? A. I think they are, sir.

Q. The first is the mayor; who is Mr. Porter? A. He was and he is a dentist there, if that is the one.

Q. David T. John K. Tarbox, A. W. Howland, — he is another, — H. H. Church? A. He was superintendent of the gas works.

Q. Dyer S. Hall? A. He was a trustee; and, I think, treasurer, also.

Q. George W. Sargent? A. Physician.

Q. Charles Clarke? A. Druggist.

Q. William McAllister? A. Manufacturer.

Q. J. D. Drew? A. He kept a restaurant.

Q. Colonel Drew, you mean? A. Yes, sir.

Q. J. W. Higgins? A. Higgins & Bowen, large dressed-beef dealers.

Q. And so on through the list? A. So on through the list; yes, sir.

EUNICE NEWTON (*sworn*).

Direct examination by Gov. Butler.

Q. About what is your age? A. Sixty-nine; I mean sixty-eight last September.

Q. Where are you employed? A. No. 6 Oak Place; the moral reform institution.

Q. What is your position there? A. Nurse.

Q. How long have you been there? A. Ten years.

Q. Were you there at the time Miss Bowen, Eva Bowen, was there, or a girl known as Eva? A. I was, sir.

Q. Was she under your charge? A. She was during her sickness under my charge.

Q. During her sickness, — you mean when her child was born? A. Yes, sir.

Q. When she needed care were you the person to take care of her? A. I was, sir.

Q. How well do you remember her? A. Well, I remember her, sir, quite well.

Q. And were you present at the birth of her child? A. I was.

Q. Was she a strong girl or a weak one? A. She was not very strong; but well, for aught I could see.

Q. Enjoyed good health? A. Enjoyed good health, but not a very strong girl; she was a young girl.

Q. She was afflicted with no bad disease? A. Not to my knowledge, sir.

Q. Would you have known it if she had been? A. I think so.

Q. Any doubt of it in your own mind? A. No doubt, sir, in my own mind.

Q. Whether, when girls did come there with that disease, there was any particular care taken to bring that to the knowledge of the nurses? A. Yes, sir; always.

Q. But perhaps there may be so many of them you would not be likely to recollect; about how many cases are there of that sort, where girls had that bad disease? A. Not very many; I could not say exactly how many; I think not more than three or four.

Q. Three or four in how long? A. I think not more than three or four. I have been there ten years, and I am not certain there has been over two.

Q. And you remember these cases? A. I do, sir.

Q. What sort of a girl was Eva while there? A. I remember nothing, sir, but what she obeyed the rules and behaved herself in a quiet way.

Q. Have you ever seen her since? A. I am not certain whether I have seen her once since or not. I think I have; I think I have seen her once since.

Q. Where? A. I think she called at the Home once; but still I am not quite certain about that.

Cross-examination by Mr. Brown.

Q. Where do you live? A. I live at No. 6 Oak Place, sir.

Q. Live there now? A. I do.

Q. And have lived there constantly for ten years? A. Well, I have been out a few months at a time to my home.

Q. But your business has been to stay there as a nurse? A. Yes, sir.

Q. And you say you have never seen this Mary Eva Bowen since she was there? A. I am not certain whether I have seen her once or not.

Q. Now, won't you describe to the committee just how she appeared when she was at your institution; about how tall was she? A. Well, she was taller than I am.

Q. Taller? A. Somewhat taller, and slender; slim.

Q. Give us the color of her hair and eyes? A. I could not, sir; I could not tell the color of her hair or eyes either.

Q. You can't recollect? A. I can't recollect.

Q. You can't tell whether she was a blonde or a brunette? A. I should think she was a blonde.

Q. You think she was a blonde? A. I think she was, but I could not positively say.

Q. You say she was slender? A. Quite slender; she was tall and slim, — a rather pretty figure.

Q. You say you think she was taller than you are; stand up and let us see what you mean. [Witness rose.] Taller than you are? A. Yes, sir.

Q. How much taller than you are? A. I could not tell; I don't know.

Q. Half a head? A. I should think so; about that.

Q. About how much? A. Perhaps four inches; I would not say as much as that.

Q. Somewhere about that? A. Somewhere about that; I could not say exactly.

Gov. Butler. Is there any doubt about the identity, Mr. Brown?

Mr. Brown. There is no doubt but the woman was there.

Gov. Butler. I will have a photograph of her in the morning.

Mr. Brown. You mean a photograph taken in 1875?

Gov. Butler. Yes, sir; when she was seventeen years old.

Q. Now, I want you to tell me, Mrs. Newton, — you are Mrs., I believe? A. No, sir.

Q. I want you to tell me, Miss Newton, how long you had been connected with this institution prior to March 26, 1875, — that, I believe, was the date of her confinement? A. Yes, sir; about two years. I have been there ten years.

Q. Who was the matron at that time? A. Mrs. Stevens.

Q. Is she still the matron? A. She is not; she is at the Old Ladies' Home, now, on Revere Street.

Q. Do you recollect whether Miss Bowen's father came to see her at the institution in Oak Place? A. He did.

Q. He did? A. Several times.

Q. Several times? A. Yes, sir.

Q. You had conversation with him? A. Yes, sir.

Q. You say you don't recollect her conduct there, particularly. A. I say, as far as I remember it, she behaved herself quietly and well. As far as I remember, I remember nothing but what she did.

Q. Do you recollect how long she remained there? A. I do not, sir; I could have ascertained before I came.

Q. Now, do you recollect whether or not she was taken from Oak Place on account of her conduct, — sitting at the front windows and flirting with gentlemen who passed on the street? A. I never knew any such thing; she was not taken from there on that account.

Q. She was not? A. She was not.

Q. To your knowledge? A. To my knowledge she was not, — not till she went with her father.

Q. Did you see her while she was at Dedham? A. I don't think I did.

Q. You think you have seen her once since she left your place? A. I think I did.

Q. Where did you see her? A. I think she called at the Home once.

Q. Can you remember about when it was? A. I do not; it was after her child died. I can't say, certainly, whether she called or whether some one told me; it was after her child died.

Q. Now, I want to know, — you say you are a nurse, — I want to know what your particular duties are as nurse; do you simply attend to those in confinement or do you attend others after confinement? A. I attend them till they get well.

Q. From the time they enter the institution and are sick till they leave? A. From the time they enter the institution my duties are to look after them somewhat, although they are under the particular care of the matron; but still I have always felt it my duty to look after them, have a care for them, and to try to speak a word of encouragement and do what I could for them.

Q. What had you been doing prior to the time you went to Oak Place? A. I had been nursing, — a nurse in private families.

EDWARD G. WEST (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. West, what is your business now? A. Physician.

Q. Where? A. Roxbury.

Q. I want to ask you directly, to save time, were you a graduate of Harvard University? A. I was.

Q. Afterwards of the Harvard Medical School? A. Yes, sir; I graduated from the Harvard Medical School.

Q. And you are a member of the Massachusetts Medical Society? A. Yes, sir.

Q. You came here in obedience to my subpœna? A. Yes, sir.

Q. And you have asked that you might not be brought here? A. Yes, sir; it is greatly against my will that I came here, and also it disturbs my practice to a great extent to be here.

Q. Were you recommended to go to Tewksbury to see hospital practice while you were a student? A. Yes, sir. I went to Tewksbury with letters of recommendation from Dr. Oliver Wendell Holmes, President Eliot of Harvard, Dr. Calvin Ellis, Dr. Fitz, Dr. Cheever, Dr. Porter, Dr. Beach, and Dr. Edes.

Q. And armed with these recommendations you went to Tewksbury to see hospital practice? A. Yes, sir.

Q. What time was it you went there; have you any memorandum? A. Yes, sir; it was from the first of November to the first of January in 1879; from the first of November, 1879, to the first of January, 1880.

Q. If you have a memorandum-book in your pocket you may refer to it. What position did you take when you got there, or was assigned to you? A. I was assigned there to take the position of Dr. Cummings, the second assistant physician. I went there as a student, without pay.

Q. Cummings had left, had he? A. Yes, sir; to take a position on the State Board of Charities.

Q. Then he is the same Dr. Cummings who is now in the employ of the State Board of Charities, I suppose? A. Yes, sir.

Q. And you came there and was willing to work without pay, and was assigned to his duties. Very, well, sir; now, who was the resident physician? A. Dr. Lathrop.

Q. I now want to call your attention to a woman who was taken with labor, and afterwards had a delivery by means of instruments; do you remember her name? A. Yes, sir; there was only one case in which Dr. Lathrop and I were connected.

Q. What was her name? A. You summoned me with my notes and I have brought them. [Referring to notes.] Her name was Maria Farrell.

Q. Was she in the ward which you had charge of? A. I was placed in charge, or, at least, I had charge of the obstetric ward for awhile there.

Q. Look at your notes and tell me, if you can, when it was. Were those notes made at the time? A. Yes, sir; November 30, 1879.

Q. At what time in the day was she taken with labor pains? A. I don't know exactly. Dr. Lathrop broke the membranes about four o'clock in the afternoon of the day before she was confined; that is, Saturday afternoon. She was confined Sunday, or, at least, the child came Sunday morning.

Q. Did you call the doctor's attention to her, or did he come in and do this on his own account? A. I had charge of the case. When I came up from the medical school, — I was at that time a student at Harvard, also, — I took charge of the

case when I came home, and went on with it till two o'clock in the morning.

Q. On Saturday night? A. Yes, sir; two o'clock Sunday morning.

Q. Two o'clock of the night following Saturday? A. Yes, sir.

Q. Did you think it necessary to call Dr. Lathrop then? A. The woman was not making any progress whatsoever, and hadn't made progress for a number of hours, — eight or ten hours, — and I thought it would be best to apply forceps; it was certainly a forceps case.

Q. And she had been in labor from the time the membrane was broken, or, at any rate, from four o'clock in the evening before, up to two o'clock this morning? A. Yes, sir.

Q. Did you send for Dr. Lathrop? A. Yes, sir; I went and called him.

Q. Had he had anything to do with the case before? A. He had seen her in the afternoon and broke the membrane.

Q. She was then in labor? A. She must have been; yes, sir.

Q. You sent for him to apply the forceps; did he come? A. Yes, sir.

Q. And when he came, did he make any examination? A. Not till he got his forceps to apply them.

Q. And then you reported to him you thought it was a forceps case, and you went for the instruments? A. Yes, sir.

Q. And then he made an examination? A. Yes, sir.

Q. And then he applied the instruments? A. Yes, sir.

Q. What was the presentation, then, of the child? A. It was occipital, in technical language; that is, occipito left-hand anterior.

Q. Yes. A. Or occipito-frontal, really; the left parietal bone.

Q. You don't help us, yet: leave out the technical. Was it the usual and ordinary presentation? A. That is the most common presentation.

Q. Isn't it the best presentation? A. It is the most common, but I suppose it is no better than the occipito right anterior; I mean, it is no better than if it was presented on the other side.

Q. And the general presentation in a healthy patient is either a left or right occipito, — that is, the back of the head

first? A. Well, it may come, — I don't understand your question.

Q. Whether the ordinary presentation in a well child and a well mother is not, and the best presentation, is not head first, whether one side or the other? A. Yes, sir; that is the best presentation.

Q. And will you tell why that is best; what is the method of getting the head delivered, the head out? A. The back of the head comes down first and strikes the floor of the pelvis so as to be rotated upwards and downwards without any additional twisting of the head of the child.

Q. That is to say, you put your hand under the chin and throw it up or pull it down each way? A. The chin is flexed upon the breast very hard when it comes down, and the head, in coming out, is thrown backwards, in reference to the child, and upwards, in reference to the mother.

Q. And that rolls the head out, as it were? A. Yes, sir.

Q. Was that done by the doctor? A. Well, that is in normal labor; this was not normal labor.

Q. Then that was not done? A. No, sir; the forceps were applied.

Q. That is, the first thing done by him, at any rate? A. Yes, sir.

Q. The forceps were applied; and how were the forceps applied? A. The head had not entered the pelvis.

Q. I agree; the head had not entered the pelvis, but — A. The forceps were applied to the head.

Q. Was any considerable degree of force used with the forceps? A. Yes, sir.

Q. Won't you describe, now, without my asking questions, doctor,—you don't seem to be more than ordinarily communicative, if you will pardon me,—won't you describe exactly what was done with the forceps, and how the force was applied? State the state of the woman, the position of the woman; state the position of the doctor with his forceps on this child, and state it all. A. The woman was lying crosswise of the bed, feet out on a chair, and there were two nurses present. They managed, after she was put under ether, — they managed the ether and kept the right side of the bed, and Dr. Lathrop and I were on the left side of the bed. I separated the legs while he applied the forceps. The forceps were put on, tied with a towel, and traction was commenced.

Q. That is, the forceps were brought together, wrapped with a towel? A. Yes, sir.

Q. So as to get a good hold? A. Yes, sir.

Q. Very good: then what was done? A. Then he made traction.

Q. Made traction? A. Pulled.

Q. Pulled; I know. Then he pulled, — how did he pull? A. He pulled gently at first, and then sat down on the floor and braced up against the bed and the woman.

Q. Now, doctor, wasn't this it, — didn't he put his feet against the buttocks of the woman, and sit down and pull with all his might? A. Yes, sir.

Q. And his forceps slipped? A. Yes, sir.

Q. Where did he go to? A. Over on to the floor.

Q. Heels over head? A. Yes, sir. I should like to state here, though, Governor, that as I understand it, this can, even frequently does, happen in an ordinary case. I never saw it happen before nor since.

Q. But it always does happen? A. I understand it can happen.

Q. It can happen; oh, yes. It did happen; that is evidence it can. You never happened to see anything of that sort happen before or since. Was this traction, as you call it; this pulling, braced against the woman, with a towel to get a good hold of the forceps, braced back, — was that a continual traction? A. Yes, sir.

Q. For how long? A. Fifteen or twenty minutes,—twenty to thirty minutes, my notes say.

Q. And then the forceps slipped, and over he went? Now, then, isn't it the rule of practice in obstetrics, sir, that there is to be first a pull to help along, and then a letting up: a pull, and then a letting up, so that nature should have a chance; and then, if the contraction of the muscles don't do it, another pull, and so on,—isn't that right practice? A. Yes, sir.

Q. He tumbled over; did he pull any more on the forceps? A. No, sir.

Q. What was done then? A. He attempted to perform craniotomy.

Q. Now, I have had a good many malpractice cases in my life and I know the meaning of these terms; craniotomy means, does it, to break up the skull and to wash out the brain, and

then collapse the skull and try to get the head out through that way? A. Yes, sir.

Q. Did you advise that? A. I was there as a student and, of course, had nothing to do with it, excepting to obey orders.

Q. Did he go for his tools to do that with? A. Yes, sir.

Q. Went down to the dispensary or off somewhere? A. Yes, sir.

Q. Did he come back bringing his tools? A. Yes, sir.

Q. What were those tools? A. There were not any tools proper to do it with.

Q. I know there were not any tools proper to do it with; what did he bring? Let us have it, doctor. A. Well, it was a screw-driver and a rat-tail file that he brought up.

Q. Sure it wasn't a cork-screw? A. No, sir.

Q. Did you ever see these used before or since for such a purpose? A. No, sir.

Q. Which did he put in first; the rat-tail file? Had the rat-tail file a handle on it? A. I don't seem to remember.

Q. Don't remember? A. No, sir.

Q. Which did he put in there first; the rat-tail file or the screw-driver? A. Well, I am sure I could not tell you, Governor, it was so long ago; at any rate, I know he brought them up and used them.

Q. Brought them up and used them? A. Yes, sir.

Q. Now, then, he tried, if I understand it, to punch a hole in that child's skull with that rat-tail file? A. Yes, sir.

Q. The skull is a little hard; did it slip and go into the woman? A. I don't hardly see how it could have avoided it.

Q. Nor I either; I want to know if it didn't? A. It would be impossible to say whether it did or didn't; there was considerable hemorrhage at the time.

Q. And whether that was from the holes made by the rat-tail file or natural hemorrhage, you don't know? A. No, sir; the woman ruptured; possibly it might have come from that. She was ruptured by the instruments.

Q. Now, then, did he manage to get along in this manner; with the rat-tail file? A. No, sir.

Q. Then did he use the screw-driver? A. I believe he used both of them.

Q. Both of them at once? A. No, sir.

Q. One at a time? A. Yes, sir; I don't know which he used first or last.

Q. Did he manage to do it with either of them? A. No, sir.

Q. Let me ask right here: had this woman an abnormally small pelvis? A. Not particularly so; it was not noticeable at the time of the birth.

Q. Was this child a very large-headed one? A. I took the measurements of the head, afterwards, and found they were rather larger than the normal.

Q. Can you give me those measurements; have you got them here? A. Yes, sir. The occipito-frontal measurement, that is, from the occiput to the forehead, was five inches; the occipito-mental, that is, from the back part, the occiput, to the end of the chin, was five inches and three-quarters; the fronto-mental, from the top of the forehead to the chin, was three inches and seven-eighths: the bi-parietal was three inches and seven-eighths; the circumference of the head was fourteen inches: the neck of the child, nineteen inches, and the weight was seven pounds and three-quarters.

Q. Those measurements are taken with a tape, I suppose? A. No, sir; they are measured by taking two pieces of stick at right angles with one another, applying them so they would measure from the front to the back, and the measurement was taken by a roundabout way to get the distance direct from one point to another; the diameter from point to point.

Q. Well, perhaps it may as well go in here as anywhere, — about how old was Mary Farrell? A. She stated to me she was, — I don't know; I have no record of it here. Oh, twenty-eight she was.

Q. She had been under your eye, of course, before this came on? A. No, sir.

Q. She was a healthy woman? A. I didn't see her till I was called to take care of her; she appeared then to be as healthy a woman as the ordinary.

Q. Common size woman? A. Fair size; yes, sir.

Q. Was about how large, think you? A. A hundred and twenty or thirty; somewhere along there.

Q. He failed to perform craniotomy, which was the thing to do at that stage of the case, wasn't it? A. That is only a matter of opinion.

Q. It was his opinion that it was the thing to do, at any rate? A. Yes, sir.

Q. And he failed to do the thing he wanted to do; what did he do then? A. He turned.

Q. What? A. He turned the child.

Q. In turning the child, — see if I am right, — he thrusts his hand into the womb and takes the child by the legs and reverses it? Is that the way? A. He put in his hand and got hold of one leg and pulled it down; reversed the child and pulled the leg down.

Q. That is, pulled the legs to the front? A. Out through the vagina into the external opening into the world.

Q. Brought that out into the world so you could see that? A. Yes.

Q. Then did he bring the other one? A. Yes, sir.

Q. Then he had got the child there, and it was a breech presentation? A. Yes, sir.

Q. Isn't it understood in obstetrics that a breech presentation is the worst possible? A. No, sir; there are a great many other presentations very much worse than a breech, — a face presentation, for instance. A breech presentation is worse for the child, but it is rather more favorable for the mother.

Q. Not more favorable for the mother than a proper head presentation? A. Well, it dilates the parts more gradually, and, on the whole, I think it is rather more favorable for the mother than the head.

Q. Now, we have got the two legs out, and the child still maintained its position? A. Yes, sir.

Q. Did he pull, then, on the legs? A. Yes, sir.

Q. Pull as hard as he could? A. Yes, sir.

Q. But, if I understand it, the legs would be slippery? A. No, sir; you could not do such a thing.

Q. What? A. I don't believe you could do such a thing.

Q. You don't think you could pull hard on the slippery legs of the child? A. I don't believe you could pull hard enough on the legs to break them off, separate them.

Q. No; I mean whether they were slippery, and you could not take a hard pull. A. No, sir; they would slip, certainly; they did slip.

Q. What did he do then so as to get a good pull? A. Put on towels.

Q. That is, suppose these were the two legs, he wound a towel about it and thus got a good grip? A. Yes, sir.

Q. Did that bring the child? A. After getting the legs down he had to get the arms down.

Q. Well? A. Yes, sir; came away all right.

Q. Then did he pull it out? A. Yes, sir.

Q. How long did it take? A. About half an hour.

Q. Take a steady pull after it got into position? A. Yes, sir.

Q. And kept a steady pull till it came? A. Yes, sir.

Q. Now, isn't the proper practice, as it was with the forceps, to give a pull and then let nature assist you? A. Yes, sir.

Q. And, then, if nature don't do it, then fetch another pull, and so on? A. Yes, sir.

Q. You knew that then, and I suppose you know it better now by practical experience? At last the child came? A. Yes, sir.

Q. Dead? A. Yes, sir.

Q. Now, doctor, is Dr. Lathrop a member of the Massachusetts Medical Society? A. Yes, sir.

Q. Now, I want your opinion, from your knowledge then and your knowledge now, whether this was not malpractice? A. I should say it was. I was a student there, and, of course, could not interfere.

Q. You could not interfere, of course, any more than a lieutenant could when his captain is present. Now, was there any excuse; did you ask any reason why these unusual instruments a rat-tail file and a screw-driver, were brought? A. I don't understand your question.

Q. Did you make, that day, or afterwards, any observation upon why such instruments should be brought to perform craniotomy with? A. I went and told the Captain I thought it was a case of malpractice, and also Tom Marsh and Charles.

Q. Went and told the Captain? A. Yes, sir; Captain Marsh.

Q. Did you say anything about it afterwards to the physician, Lathrop? A. I think we had a conversation on the subject.

Q. Did he tell you why he used those instruments? A. He said he had no others.

Q. What? A. He had no others.

Q. This, you say, was in 1879? A. Yes, sir.

Q. That institution had been running twenty-three years, — oh yes, more than that, a quarter of a century; do you mean to say that they were out of the common and ordinary instruments in an institution where girls were being sent to be delivered, to be confined? You are sure about that, that he said they hadn't any others? A. They hadn't any at that time at least.

Q. I mean at that time? A. No, sir.

Q. Did anybody tell you there they ever had any? A. No, sir.

Q. How long after that before you were delivered from the institution? A. I left there about the first of January.

Q. Why? A. Because Dr. Pease, the female physician, was appointed to take my place.

Q. You were working without a salary and she was appointed to take your place without a salary? A. Yes, sir.

Q. (By the CHAIRMAN.) Doctor, what became of the mother; did the mother live? A. Yes, sir.

GOV. BUTLER. I want to ask a question or two more upon another subject that escaped my attention.

Q. (By Gov. BUTLER.) You say you were a student at the Harvard medical college? A. Yes, sir.

Q. I want to ask you, because I think it is due to the college, whether the dissecting-room, when you were there, was over tide water? A. No, sir. It was adjoining the Harvard Medical School.

Q. On firm ground? A. Yes, sir.

Q. When you were there whether the remains were gathered up and buried? A. Yes, sir; everything was disposed of in as respectable a manner as could possibly be done. I want to add also that I never saw an infant dissected in the dissecting-room while I was there.

Q. What? A. An infant — a child.

Q. Were there any dissected outside? A. I am not aware of a single case.

Q. While you were there that practice was stopped if it ever obtained?

GOV. BUTLER. I thought that was due to the college.

The WITNESS. I would like to state that instead of there being such a great number, as has been brought out here, going down to the college, that while I was there there was a great dearth of subjects, and it was impossible for me to get my third part, which it was necessary for me to dissect before I got my

degree — it was impossible for me to get it before the first of the third year. I do not think it was possible that more than fifteen or twenty subjects were landed at Harvard during any of the three years while I was there. There were only between eighty and ninety in my class, and it was — well there were a great many who had to give up dissecting, or at least could not get their third part, which it was absolutely necessary for us to have to graduate, before the third year. Therefore, as I say, it could not have been —

Gov. BUTLER. An over supply.

The WITNESS. There was a dearth of them; we could not get them.

Cross-examination by Mr. Brown.

Q. Doctor, what three years were you there? A. I was there between the fall of 1877 and the summer of 1880.

Q. Entering at the fall term in 1877? A. Yes, sir.

Q. And you graduated in the summer of 1880? A. Yes, sir. I entered after I graduated from Harvard University.

Q. But at the time when you were at Tewksbury you had not graduated at the medical school? A. No, sir.

Q. And you left Tewksbury before you graduated at the medical school? A. Yes, sir.

Q. Consequently, while you were at Tewksbury, you had no degree as a physician? A. No, sir. I went there as a student. It was understood among the trustees that I was there as a student.

Q. You remained in Tewksbury over night? A. Yes, sir.

Q. What time in the morning were you in the habit of going to Boston to attend the medical lecture? A. About eight o'clock.

Q. What time did you return in the afternoon? A. About six.

Q. So that from eight in the morning until six in the afternoon you were absent from the institution pursuing your medical studies at the Harvard Medical School? A. Excepting on Saturdays and Sundays.

Q. Now, you said that during the time that you were at the Harvard Medical School you never saw an infant there in the dissecting-room? A. Yes, sir.

Q. Would infants be of any value in the dissecting-room?

A. Nothing that I know of. I would not give a sixpence while I was there to have dissected one.

Q. Why not? A. Because,—well, it would not have given you much of any information. Of course, the muscles are there, but there are very few accidents which occur to infants, and certainly a medical student prefers a grown subject.

Q. Well, would the muscles be so developed that you could trace them? For instance, take the muscles of the arm,—could you regularly trace them? A. The larger ones would be, but the smaller muscles would be indefinite.

Q. Well, the attachments, — the cartilaginous attachments of the bones be well developed? A. It would depend, of course, upon the age of the infant.

Q. Well, take a child under ten days old? A. No, sir.

Re-direct examination by Gov. Butler.

Q. But a child three or four months old, and from that to one or two years old, would have all the muscles and the cartilaginous attachments that a man would have, wouldn't it, although not developed? A. They probably would be there, but not developed. I don't see what a person would want to dissect one for.

Q. Now, doctor, I would like to ask you how many bodies, in your judgment, Harvard had? A. During the three years I was there?

Q. No, sir. How many each year? A. Well, I could not, of course, state, because I don't know; but judging from the number that there were in our class, and also from the number who had to go over from the first year to the second, and then to the third, it could not possibly have been more than between fifteen and twenty a year. Five students are put upon each body. Five times fifteen would be seventy-five. There were between eighty and ninety in my class, so that fifteen subjects would be a large number. Fifteen would almost satisfy our class; therefore, I put it at twenty, which would be a very large number.

Q. Fifteen would satisfy the requirements of the class? A. Yes, sir.

Q. No student could graduate who could not show that he had dissected one-third or one-fifth? A. Well, we have to dissect three parts; that is, a leg, including the lower half of

the trunk; an arm, including the upper part of the trunk, and the head.

Q. Well, every student has got to do that? A. Yes, sir.

Q. That would be about half a body, wouldn't it? A. Yes, sir.

Q. Then there was one body to two students during their college course, that they were obliged to dissect. Now didn't some of the more zealous students dissect a good many more? A. Well, they had to take their turn. No, sir; because they would not allow them.

Q. Why not? A. Well, they had a dearth of them, and we were all anxious to get them, so as to get the dissecting out of the way.

Q. The difficulty was, there was a dearth? A. Yes, sir.

Q. They would have dissected more if they had had them? A. Yes, sir.

Q. Now what did you pay for a body? A. I had to pay at the rate of two dollars a part.

Q. That is, one-fifth? A. That would reckon up about ten dollars for a body.

Q. That is what you had to pay the college? A. Yes, sir.

Q. Whom did you pay that to? A. I paid it to the janitor, who allotted the parts by lot.

Q. Were the parts all of the same price? A. Yes, sir. We paid our money in and then drew lots to see which one should have the head, the arm, or the leg.

Q. Now, did that janitor keep any books? A. I suppose he did. He kept a list upon a slate, and probably he copied this from the slate into his books. I never saw his books, though. He kept a list upon the slate.

Q. Do you know where the bodies came from there? A. I have no absolute knowledge where they came from. It was generally understood that Tewksbury furnished part of them.

Q. Where were the rest furnished from? How large a part? A. I don't know. It was generally understood that what bodies were unclaimed from the morgue, and all the paupers from the hospitals, were turned over to them.

Q. That is, from all the hospitals and from the morgue? A. Yes, sir.

Q. How about the other institutions in Boston? A. I don't know anything about that.

Q. Should you think as many as half came from Tewksbury? A. I don't know.

Gov. Butler. I now want to put in, may it please the committee, the trustees' records, 12 December, 1879.

"The board met to-day according to adjournment. Present at this meeting Nourse, Elliot, Spalding, Hammond, Pope."

A full board. And the next thing which will be interesting to you is: —

"The following estimate of the expenses of the year 1880, having been prepared by the superintendent and approved by the board of trustees, on motion, it was voted that the superintendent be authorized to cause the same to be deposited according to law."

Then follows the estimate for the year.

The Chairman. On what page is that, Governor?

Gov. Butler. Page 64 I began to read upon. And this book is entitled "Inspectors' Records, State Almshouse." Now the first thing I want to call attention to beyond that is: —

"On motion, voted that the superintendent have authority to purchase surgical instruments for the use of the institution."

You see this is about twelve days after the scene that we have had described. Then the superintendent nominated at the same meeting Miss Julia S. Pease, M. D., assistant physician, and fixed her compensation at $500 per annum.

Mr. Brown. What is the date of that record?

Gov. Butler. All done on the 12th. "December 12, 1879." Now I want to go back a little.

"Tewksbury, Nov. 13, 1879. — The superintendent nominated E. C. West as assistant to serve without pay in place of Dr. Cummings, who resigned, until a female assistant shall be appointed."

"On motion, voted that the nomination of E. C. West be confirmed."

"On motion, voted that the clerk be instructed to notify Dr. Foster that the medical department will be reorganized January first, and that the compensation of the assistant physician will be considerably reduced from that date."

That was done on the 13th of November.

Mr. Brown. May I ask what is the object of the record? What is it calculated to show or prove?

Gov. Butler. It is calculated to fix certain dates, in the first place, and to confirm Dr. West that they had no instruments about that time, — because at the first meeting of the trustees they purchased some, — except a rat-tail file and a screw-driver.

Mr. Brown. Is it also calculated to show that the institution went to the expense of employing Dr. Pease when they might have had Dr. West for nothing?

Gov. Butler. Well, they were in full hurry. He wanted to stay there awhile.

The Chairman. The record will be used for what it is worth, I suppose.

Gov. Butler. The record is in for what it is worth, sir; and you will find out what it is worth by and by.

Mr. Brown. And you may discover you have made a mistake.

Testimony of Isaac J. Tully (*sworn*).

Direct examination by Gov. Butler.

Q. Isaac J. Tully. Where do you live? A. At Brockton.

Q. Whether at one time, some years ago, you received a letter, or a letter was received from Thomas J. Marsh, Jr., that Margaret Lawlor was dead. Did you receive such a letter? A. Yes, sir.

Q. What relation was this person to you? A. Only a friend. She is a friend of mine, that is all.

Q. Who received the letter? A. A Mrs. Lahey, over in South Boston.

Q. What relation was she to the dead person? A. She was a niece.

Q. She brought the letter to you, I suppose? A. Yes; I boarded at her house.

Q. What time was that? Did you and the niece, and others, go to Tewksbury after the body? A. Me and this woman and her brother went down with him and his wife, — three of us went down together.

Q. How soon after you got the letter did you start? A. Well, the letter was written on the seventeenth; we got it on the eighteenth, and we went down the next day.

Q. Took a coffin and a robe with you? A. Yes, sir.

Q. And you got down there? A. Yes, sir.

Q. Well, did you find the dead person? A. We found her alive.

Q. And well? A. Yes, sir.

Q. She hadn't been sick at all? A. She was sitting up there when we went down.

Q. So, I suppose, you had no use for your coffin and robe? A. No, sir; we left it down in the depot.

Q. Did the first letter say she was dead? A. Yes, sir.

Q. Now, afterwards, did you get another letter, or did they get another letter which was shown to you? A. Well, they stated if we wanted to see her alive we should come down immediately.

Q. How long was that after the first one? A. I don't know; it was some few months after that.

Q. Did you go with them then? Q. Yes, sir; I went down with Mr. Lawlor.

Q. They said you must come immediately? A. We found her at the hospital.

Q. Found her sick? A. Yes, sir.

Q. And you took her away? A. Yes, sir.

Q. And she is alive and well even until this day? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. I didn't hear where you said you lived? A. At Brockton.

Q. And you were living in South Boston at the time when you received this letter? A. Yes, sir.

Q. Now, what was the full name of the lady concerning whom the letter said she was dead? A. Margaret Lawlor.

Q. How do you spell it? A. L-a-w-l-o-r.

Q. What was the date of your letter? A. July 17th, 1872.

Q. And you got it on the eighteenth? A. Yes, sir.

Q. And went directly? A. The next day, the nineteenth.

Q. And you found her sitting up? A. Sitting up, in one of the large rooms there, just as you go into the front door.

Q. Subsequently you went again, several months afterwards? A. Yes, sir.

Q. She was sick then? A. She was sick in the hospital then.

Q. And you removed her? A. Yes, sir.

Q. Where did you take her away to? A. Up to Revere Street, in Boston.

Q. Is she alive now? A. Yes, sir.

Q. When you went to Tewksbury, whom did you see? A. Well, we rode up in the depot carriage, the carriage that belongs to the institution, and went into the yard; and Mr. Lawlor seemed to be acquainted with one of the nurses there.

Q. That is, the nurse who had charge of the lady? A. I don't know about that. When we got into the front door the first thing that met our eyes was Mrs. Lawlor sitting up.

TESTIMONY OF JOSEPH BEEBE (*sworn*).

Direct examination by Gov. Butler.

Q. Is your full name Joseph Beebe? A. Yes, sir.

Q. How old are you? A. I was sixty-seven years old the tenth day of last month.

Q. Do you live in New Bedford now, sir? A. I do, sir.

Q. In 1881 did you go to Tewksbury? A. I did, sir.

Q. What ward did you enter there? A. Well, I don't know what ward they called it; it was one that was overseen by John ———; I cannot think of his name now.

Q. An old man's ward? A. An old man's ward, so called.

Q. What time in 1881? A. October.

Q. How long did you stay there? A. I stayed there until about the first of March: it might have been the last week in February that I came away; I don't know exactly.

Q. Was it in October, 1880, or in October, 1881, that you went there? A. It was October, 1880, I think. I have been away two years.

Q. Well, about how many persons were in this ward? A. I should think there were about thirty in the ward I was in first.

Q. And then you went into another ward? A. Yes, sir.

Q. How long did you stay in the first one? A. Well, I should think a couple of months, probably. I was there at any rate until after Thanksgiving.

Q. Then you went into what ward? A. Then they changed places and shifted around so that I was in another ward, under the direction of Mr. Smith.

Q. How many persons were in this ward? A. I think there were seventy-five beds in the room, all filled.

Q. Any of them sick? A. Yes, sir; I should think somewhere from twenty-five to thirty, more or less, were sick. Some of them were lame so they could not get about much.

Q. Do you remember about a deaf and dumb man? A. Yes, sir; there was one there.

Q. How old was he? Was he quite along in years? Was he a young man or an elderly man? A. Oh, I beg your pardon; I should think, from his appearance, he was somewhere about twenty-three or twenty-four years old.

Q. What was his condition as to being lousy? A. Well, there were plenty of that kind there.

Q. There were plenty of that kind there? A. Yes, sir.

Q. With lice upon the body? A. Yes, sir.

Q. And he was deaf and dumb, you say, and he was one of the lousy ones. What did you see one of the nurses do to him in curing him from lice? A. Well, you are talking now, I see, about one man and I about another.

Gov. Butler. Well, very like.

The Witness. The man you have reference to, I don't know whether he was deaf or not, or dumb. I never heard him speak while I was there.

Q. Was he an old man? A. No, sir. I should think he was somewhere about twenty-five years old. He had an old gentleman there to wait on him and take care of him.

Q. One of the inmates? A. Yes, sir.

Q. And he was waited on until he got very lousy, was he? A. Yes, sir. I think he was so when I came away from there.

Q. And he remained so. Now then did you see any application made for his lousiness? A. Yes, sir.

Q. What was it? A. I saw him stripped with his shirt off, and he standing up, and I saw them take unguentum and plaster it on to his neck and all over his back down to his waistband, so that I remarked to the man who was doing it: "You are putting enough on that man to kill a horse, and if he gets the least bit of cold he will die." Said he, "Let him die!" That was the answer I got.

Q. Did he take it up in his hand? A. Yes, sir; he took it up in his hand out of a pot.

Mr. Chester. What is it?

Gov. Butler. Unguentum: it is a preparation of mercury, a certain blue mass.

Q. And he rubbed it all up and down his back-bone? A. Yes, sir; rubbed it right along with his fingers.

Q. And he said: "Let him die." Now then did you see Dr. Lathrop there? A. I saw him there quite frequently.

Q. How often did he visit your ward? A. Well, some parts of the time I have seen him pass through there almost every day. Then again I would not see him again for three or four days or a week.

Q. When he did pass through there did he make any examination of this man? A. I never saw him stop to speak to one of them or to ask them any questions. I did hear him say, when they would ask him: "Well, to-morrow or next day I will see about it."

Q. Did you ever hear him ask questions about them to-morrow or next day? A. No, sir.

Q. Then while you were there, for about two years — A. I was not there two years, but about six months.

Q. I beg your pardon. You never saw Dr. Lathrop in that old man's ward, where there were sick persons, speak to them or stop to notice them unless they spoke to him? A. Never, to my knowledge.

Q. Was there a man there who got choked at the table? A. Yes, sir.

Q. Was the doctor called? A. No, sir.

Q. What became of him? A. Well, the last I saw of him they put him in a box and carried him out.

Q. How long after he got choked? A. Well, probably, to guess at the time, it might have been anywhere from an hour to an hour and a half from the time he fell back from the table before he was carried out.

Q. Was he from your ward? A. Yes, sir; he belonged in the ward.

Q. Did the rest of you, or anybody, get him back into the ward after he choked at the table? A. No, sir. In the first place, he got a piece of meat and got it into his throat, and it kind of choked him, and he hove it out of his mouth. He picked it right up and put it back again into his mouth, and in less than a minute he tumbled over back again and we laid him on his bed, and in less than an hour and a half he was carried out.

Q. Did you see him from the time he was so choked until he

was carried out? A. No; I didn't see him every minute of the time; I was in the room.

Q. Did any doctor come in and examine him to find out whether he was dead or not? A. Well, it was customary there, and I understand they would examine them, if a person died, or let the doctor see them before they were carried out.

Q. Was that custom carried out in this instance? A. I think it was.

Q. Do you know who the doctor was that came in? A. Dr. Lathrop.

Q. That was after he was dead? A. Or supposed to be dead, and before he was carried out.

Q. That was the first time that the doctor appeared on the scene? A. Yes, sir.

Q. There was a little boy there, as I am informed, who had the croup. Did you see him? A. Yes, sir.

Q. About what time was that? A. Well, I should think it was not far from the first of February.

Q. Before you left in March? A. Yes, sir.

Q. About how old was he? A. Seven years old. I think that is as much as he was. I think they called him more than that.

Q. When he was taken with the croup how long was he there whooping and coughing, as a child will do with the croup, before any one came to him? A. Well, I heard him, and the poor little fellow had to wait upon himself, running from his bed to the water-closet; or if he wanted a drink of water to go and get it himself, and go whooping, whooping, whooping around like a hound after a hare for three days and nights before he had any medical aid at all, or anybody appeared to pay any attention to him more than they would to a dead rat.

Q. Now, then, after that went on for a while, did he get the doctor? A. Dr. Kenney saw him at last.

Q. Was he called for another person? A. Dr. Kenney was called to another part of the concern.

Q. To see somebody else? A. Yes, sir; in some other ward. When he came down stairs he had to come right into our ward to get out doors. When he got to the door he heard the little fellow whooping, and he says: "Who is that?" The young fellow who pretended to be night watchman says: "A boy down at the other end of the hall." He went immediately down to see him, and then went into the dispensary and got something

for him to take. Then he went away and attended to his call, and then he came back and went at the boy again.

Q. About what time was this that he first began on him? A. I should think somewhere between nine and ten o'clock; probably a quarter of ten.

Q. Day or night? A. In the evening. Before he left him he ordered the boy to have a sweat, and I helped Mr. Smith about giving the boy one.

Q. Giving the boy a sweat? A. Yes, sir.

Q. Well, what happened to him? A. When I uncovered his face I saw that the boy was "a goner," and saw that they might fetch his box.

Q. After you gave him the sweat you uncovered his face? A. Yes, sir; after we had given him the sweat long enough I uncovered his face and I saw that he was a dead boy. He was dying, and I says to Mr. Smith, says I, "He is done for." Well, it might have been an hour and a half from that time before his box was brought in. They brought in one that was very small for him and they could not get him into it; and they went back and got another one, a delicate little one, five feet and two inches on the bottom, for a boy seven years old. I remarked, right in the presence of the whole of them, that I had learned two things since I came to Tewksbury. They wanted to know what it was, and I said that I had learned that pine lumber wasn't worth anything, nor the ground to bury it in neither.

Q. About how large a mortality did you ever know in that institution? A. In six weeks, sir, I saw eleven carried out; that is one out of every seven.

Q. One out of how many? A. One out of every seven.

Q. That is out of your ward? A. Yes, sir; out of the ward I was in at that time; seventy-five in number.

Q. I now want to call your attention to a boy who was there, sick and weak and a cripple. A. There was a boy there, a cripple, who used to lay abed all the time and could not get about well; his feet were twisted out of shape.

Q. What made him a cripple? How was he crippled? A. His feet were twisted out of shape, so that he could not walk without somebody held him up and took hold of him; take hold of him and he would hobble along, but he could not get along alone very well.

Q. Who had charge of him? Q. A man by the name of

Cooper — they called him Cooper; I don't know whether it was his name or his trade.

Q. Now, this boy, lying there in bed, what would happen sometimes to him? Whether he would soil his bed. A. He used frequently to soil his bed, and his attendant used to be pretty angry with him, and I have seen him whip him. Dr. Kenney catched him at it one day.

Q. Whip him; what with? A. Well, a little switch stick.

Q. As he lay there on the bed. What for; soiling the bed?

A. Yes, sir. Dr. Kenney told him it was not supposed they would whip anybody there.

Q. What is that? A. It was not supposed there would be any whipping there.

Q. Dr. Kenney told him that? A. Dr. Kenney told Cooper so.

Q. And it stopped? A. Told him he didn't want to see any more of it.

Q. I hope it stopped? A. It did, sir, I believe. Once I saw him in the water-closet, when I thought Cooper had been cutting some caper, but I could not say he had, positively, because I didn't see him do it.

Q. Cooper was not discharged, was he? A. No, sir.

Q. He was not taken out of that, and somebody else put in? A. No, sir; oh, no.

Q. Have you a helpless boy still there? A. I expect I have, sir.

Q. How old is he? A. Eighteen next month, the twenty-fifth.

Q. He has fits, has epilepsy? A. Has ever since he was two years old.

Q. What brought you to Tewksbury, sir? A. Well, it was through a pretended friend of mine, who wanted to steal what little I had in the world; he whispered and lied around, and told them to get me and the boy sent off down to Tewksbury. I stayed from October until the first of March, and then was discharged, and went back to New Bedford. A year ago last November I was so badly situated, and the boy was having fits from six to eight a day, that I had to take him down there and leave him.

Q. But supported yourself? A. What?

Q. But you didn't stay there yourself? A. No, sir. To-day I would sooner go and load my pockets with rocks, and

jump overboard, than I would go there with the expectation of stopping there twelve months. That is how well I liked the place.

Q. Now, Mr. Beebe, how came you to Tewksbury? You seem to be a native of this country. Where were you born? A. I am a Yankee, sir; born in Connecticut. My father was born in New London, my mother in the town of Norwich.

Q. How long have you lived in this State? A. Forty-one or forty-two years in New Bedford.

Q. All the time in New Bedford? A. Yes, sir; pretty much all the time. Once I was away a year, and then I have been away three or four months at a time.

Q. Was this boy of yours born in New Bedford? A. Yes, sir.

Q. And always lived in New Bedford, except when at Tewksbury? A. Yes, sir.

Q. What have you been doing in New Bedford in the olden time? A. My trade was finishing and polishing anything, from a piano to a footstool. As long as that was good, I worked at it; since then, at anything; at anything I have got to do.

Q. I don't see why you should be at Tewksbury. Perhaps you can tell me. A. I will tell you what they told me. They say that I have not paid straight taxes enough at one time to become a resident, and they don't mean that anybody shall; for if a stranger comes there, they will tax him two or three years, and then lose him, — not get him,—skip him a year or two, and then he begins at one again; and he don't get his settlement unless he has paid a tax a certain number of years. When I first went to New Bedford you had to pay a tax ten years to become a resident; now, I believe, it is reduced down to five.

Gov. Butler. I see it now; I could not before.

Cross-examination by Mr. Brown.

Q. What was the date when you went there and stayed six months, in the first instance? A. 1880, I think, when I first went there.

Q. What year? A. 1880.

Q. Now, what was the name of this boy to whom you say the nurse applied this unguentum? A. A boy? A man.

Q. Or man. A. I don't know his name; I could not tell you the name of four persons in the whole ward.

Q. What was the name of the person who applied it? A.

That I could not tell you: his name was Arnold something, but what it was I can't tell.

Q. Arnold something? A. Yes, sir; I can't tell what.

Q. Was he a nurse or doctor or what? A. No, sir; he was neither a nurse or doctor. Mr. Smith, I suppose, was the proper nurse of the ward, and he was a kind of an assistant under Mr. Smith.

Q. And this was in the old men's ward? A. Yes, sir?

Q. In the main building? A. No; in the brick building as you go right into the gate.

Q. On the left hand side as you go in the gate? A. Yes, sir.

Q. You don't know the name of this man? A. No, sir.

Q. Nor the name of the nurse? A. No, sir; Mr. Smith.

Q. You only know a man by the name of Smith had something to do with it? A. Smith was the man who had charge of it, was nurse, I suppose.

Q. Was he present when this ointment was applied? A. I don't know as he was.

Q. Now, who was present? Can you give the name of any person who was present when this was done? A. We were all present, we people in the ward, pretty much.

Q. Can you give the name of any one of them? A. I told you a minute ago I could not give you the name of a half a dozen people in the ward.

Q. I don't want the names of half a dozen; give me the name of one. A. I could not.

Q. Could not? A. No, sir; not that was directly there on the spot.

Q. Who saw anything of this kind? A. I saw it.

Q. Anybody but yourself that you know of? A. I don't know; I suppose there was twenty of them saw it.

Q. Did you report it to anybody as in your judgment an improper thing to be done under the circumstances? A. I spoke of it right on the spot to the man who was doing it.

Q But you don't remember his name? A. I can't tell his name.

Q. Now, what was the name of this man who you say fell dead, choked, or something of that kind? A. That I don't know; he was an old man; he was an Irishman by birth.

Q. Do you recollect anything about when it was? A. I should think it was in February, the first of February.

Q. 1881? A. 1882, — 1881.

Q. About the first of February? A. Yes, sir.

Q. Can you recollect any person who was in the room when this old man fell dead, as you say? A. Why, they was sitting at the table, the whole gang of them together.

Q. Can you give me the name of any person? A. I told you a minute ago I could not give you the names of a half-dozen of people in the ward.

Q. Yes, I heard it. A. Then, how can I give the name of them now.

Q. Can you give me the name of this boy who had the croup? A. No, sir.

Q. Or the name of anybody who attended him? A. Nobody attended him ; that is the trouble ; he might have been saved.

Q. I understood you to say he did have some attention on the third day? A. The last of it.

Q. Who was that? A. That was Dr. Kenney.

Q. Dr. Kenney? A. Yes.

Q. What was the name of this boy that was crippled? A. That I don't know. I wasn't there to —

Q. Was he in the same ward? A. No, sir. I wasn't there to inquire their names or take a list of them, nor to minute down.

Q. Now, I want to know if you were sick there? A. No, sir.

Q. How came you in this hospital ward? A. Because it was the old men's ward, or partly so, and the rest part of the hall was taken up with the sick ones.

Q. That is the reason you came there? A. That is the reason ; I was there with my boy.

Q. Your boy in the same ward? A. Yes, sir.

Q. Now, didn't you go there to take care of your boy? A. I did take care of him, undoubtedly. I didn't go there —

Q. Wasn't that the purpose? A. I didn't go there at all because I wanted to go there ; I went there through the lies and intrigue of a pretended friend.

Q. Do you know the name of this pretended friend? A. Yes, sir.

Q. What was it? A. John Butman.

Q. John Butman of New Bedford? A. New Bedford.

Q. Living now? A. Yes, sir.

Q. Now, how long has your boy been there at Tewksbury?

Has he remained there since he first entered? A. Oh, no; he came out with me.

Q. How long did he stay out? A. He went back a year ago last November.

Q. And he has been there ever since? A. Yes, sir; if he is living; I am not sure as he is.

Q. Have you been at work lately? A. Yes, sir.

Q. What doing? A. I have been at work for the city of New Bedford sawing wood in their yard.

Q. How much do you earn a week? A Well, sometimes I earn more and sometimes less. It depends a good deal upon circumstances.

Q. How much is the most you earn in any week? A. I can earn anywhere from a dollar to a dollar and a quarter a day sawing wood when I have it; I don't always have it.

Q. Have you any family? A. No, sir; I have got two children. My boy is there at Tewksbury, and I have got a little girl in New Bedford, but she has got a good home.

Q. How old is she? A. She is thirteen last Valentine day, the fourteenth of February.

Q. Now, sir, if this Tewksbury is such a place as you describe it, why do you allow your invalid son, eighteen years old, to remain there? A. I can't do any better, sir.

Q. Couldn't you earn the money and put him somewhere else? A. No, sir.

Q. In the present condition of your health and ability to labor? A. No, sir; no, sir.

Q. Could you not put him somewhere else? A. No, sir; I can't.

Q. Why not? A. I can't; I could not pay anybody for keeping him.

Q. Why not? A. Because I don't earn enough.

Q. Haven't you got friends who will assist you? A. No, sir.

Q. Have you ever made an appeal to your friends to help you to take that son out of Tewksbury? A. I have not.

Q. Why not? A. Well, I didn't feel as if I wanted to; I didn't feel as if I should do it. If the State has provided a place for invalids and for people that are so poor that they are not able to take care of themselves, they can take care of him as well. But for all that, I don't believe it is a place fit for

any human being. It is nothing but a slaughter-house from beginning to end, — slaughter-house.

Q. Well, sir, is that the reason why you leave that invalid son of yours at Tewksbury? A. The reason I leave him there, I tell you, is because I can't keep him out. If I had him with me —

Q. Wait one moment, — tell this committee what efforts you have made to get your son out and support him outside Tewksbury, if any? A. This committee knows from my talk and my appearance that I would not let him go there if I could help it. I have tried my utmost and come to the very pinch that we could not live together. I could not support him and feed him and myself too, and for that reason I had to send him there. That is the truth and the whole truth.

Q. You have never made any effort in New Bedford, where you are known, to have any assistance given you? A. I have had assistance privately from some individuals there at different times that knew how I was situated when I had that boy: but, then, if you give me a dollar to-day it is no sign I shall run after you to-morrow for a five.

Q. Have you ever been to sea? A. No, sir.

Q. (By Gov. Butler.) You took him away with you when you first came out, did you? A. Yes, sir.

Q. And you supported him six months, till winter came on? A. Yes, sir; I took care of him the best I could.

Q. And you took care of him as long as you could? A. Yes, sir.

Q. (By Mr. Mellen.) Did you have money to come up here to-day? A. I did.

Q. Did you pay your own way up here to-day? A. I did.

Q. Did you have the money? A. I had money I borrowed to come with. I could not get here any other way.

Q. (By the Chairman.) When did you last see your son now at Tewksbury? A. I have not seen him since I carried him there, sir.

Q. You haven't seen him since you carried him there? A. No, sir.

Q. When was that? A. A year ago last November.

Q. Is he able to communicate with you in writing? A. No, sir.

Q. He is defective in some way? A. He has no education at all, never has been capable of going to school. He has had

fits ever since he was two years old, caused by a fall, in the first place, — hurt his head.

Q. Is he so he could not communicate with you? A. No, sir.

Q. Has he ever sent word to you complaining of his treatment? A. Sir?

Q. Has he ever sent word to you complaining of his treatment? A. No, sir; I don't know as he has ever sent me any word; I have not had any.

Q. No word of any kind? A. I have written to Capt. Marsh several times, and have got his answers here to some of the inquiries I made. There is my summons I had, and here is some of the letters I had from Tewksbury.

Q. (By Mr. Learnard.) Isn't it the fact, Mr. Beebe, that you were allowed to remain in the old men's ward to take the care of your son? A. Yes, sir; I was in the old men's ward and my son with me.

Q. You were specially allowed to be there in his company? A. Yes, sir.

Q. And you had the care of him while you were there? A. Yes, sir; the fact of the business is the boy needs somebody to watch over him all the time, day and night, for he is just as liable to have these fits at midnight as he is at noonday.

Q. (By Mr. Putney.) During the six months you were there with your boy, did you ever have occasion to complain of the usage the boy had, the treatment? A. They used the boy perfectly well, had no occasion to do any other way than to use him well.

Q. You don't know but what he has been used well since he went back, do you? A. I don't think he would do as well, because I don't think he has the same watch care over him.

Q. Is the boy's mental condition such as that he would complain of misusage in any way? Is he mentally in a condition to know whether he is used well or not? A. He don't know enough to make a report, or any such thing. If they undertook to handle him rather rough, he would fight like a tiger.

Q. (By Gov. Butler.) He can't write? A. No, sir; he can't read nor write, and all the information I get from him is what I get from the institution.

Q. (By Mr. Putney.) During the six months you were out with him, what was your employment? A. Nothing; I did n't

have anything to do; it was in the winter time, there wasn't much work to do.

Q. After you got out of there; after you were discharged with your boy? A. Oh, after I got out of there, I went around jobbing, different places, and then I would have to take the boy with me wherever I went, because I have nobody to leave him with, and he wasn't fit to leave alone, and I would have to take him with me; but anybody going to hire a man to do a day's work they would not want him bothered with a boy having fits.

The CHAIRMAN. Will you put in the letters, Governor?

Gov. BUTLER. Yes, sir.

TEWKSBURY, June 5, 1882.

MR. J. BEEBE, —

Dear Sir, — In reply to your inquiries about your son, I have to say that Mr. Smith, who has charge of the ward, says there has not been any change in him since he has been here. His general condition is about the same as when you was here, and he has his fits just about the same, quite often.

Resp'y,

(Signed) THOMAS J. MARSH, *Sup't*,
Per Clerk.

TEWKSBURY, August 26, 1882.

MR. JOSEPH BEEBE, —

Dear Sir, — In reply to yours concerning your son, I would say that his general health is about the same as it has always been. His ill turns are about as frequent as usual. There has been no change in him since I last wrote you.

Respectfully,

(Signed) THOMAS J. MARSH, *Sup't*.
Per Clerk.

TEWKSBURY, January 30, 1883.

MR. JOSEPH BEEBE, —

Dear Sir, — In reply to your inquiries about your son, I would say that the doctor tells me that there has been no change in him since I last wrote you. He is in his usual health, and if anything should happen to him you will be notified as soon as possible.

Resp'y,

(Signed) THOMAS J. MARSH, *Sup't*,
Per Clerk.

Q. (By the GOVERNOR.) What is his name, Mr. Beebe? A. Cornelius.

TEWKSBURY, February 9, 1882.

MR. JOSEPH BEEBE,

No. 71 First St, New Bedford, care Mrs. Mary Lewis:

Dear Sir, — Your letter concerning your son was received to-day. I would say in reply that he is fully as well as when he came here; and Mr. Smith, who has the immediate charge of him, thinks he is rather better than when he came, and is a little more fleshy. When you want any information in regard to him your better way is to address your letters to me, and they will be answered as soon as possible. Should anything serious happen to him, you will be notified.

Respectfully,

(Signed) THOMAS J. MARSH, *Sup't*,
Per Clerk.

Adjourned till Tuesday, April 24, at half-past nine.

FIFTEENTH HEARING.

Tuesday, April 24.

The committee met in the Green Room at 9.30 A. M., Senator Loring of Worcester in the chair.

The Chairman. Nine members of the committee are present. The next witness may be called.

Mr. Brown. Mr. Chairman, if the committee will excuse me for a moment, I desire to say a single word. Yesterday, after the adjournment of this committee, I found myself pursued in every place in which my business called me, by the enterprising reporter, to know what my opinion was in regard to the action His Excellency had taken in a communication to the Board of Health, Lunacy and Charity. I declined to answer any question, and directed in the most explicit terms that no question should be asked me. I had no knowledge, except what I saw late in the afternoon in the paper, of anything which had taken place; and when I read the communication I felt bound to presume that His Excellency had acted wisely; that he had acted upon some information which was not in my possession. This morning, on taking up a morning paper, I found that while I felt conscientious about being interviewed, His Excellency did not, for some reason, feel thus disposed, but had permitted himself to be interviewed. And in the interview which I read from the "Herald" there appears this language —

Gov. Butler. Well, pardon me, sir, I don't know that this is any portion of your business or of the business of this committee.

Mr. Brown. It is my business, with the permission of the committee, and if the committee will permit me I will bring it home to your attention.

Gov. Butler. Pardon me: if I made the interview, it was brought home to my attention, and I don't want it brought to my attention any more.

The Chairman. We will hear what it is and what proposition you have to make.

Mr. Brown. The answer of the governor to the reporter was this —

Gov. Butler. I object, and ask for a vote of the committee. If I am to be attacked, morning after morning here, upon what I feel it to be my duty to do, I cannot come here. I have a right to do my duty; you have a right to do yours. I have made no animadversion upon the committee; I have made no animadversion upon the legislature; I have made no animadversion upon anybody. I have only done and said officially what I thought I ought to; and personally I have a right to say what I please, like any other citizen of the State, and until I am arraigned for it in the proper place, before the proper committee, it is not a subject to be dealt with here or elsewhere. And I shall want, I shall require, a vote of the committee on this question, whether we are to be stopped in our respective duties in this investigation by anything outside.

Mr. Brown. Mr. Chairman, in reply, I should be happy to say to His Excellency, and to the committee, that if any conduct of mine before His Excellency or this committee or anywhere else should drive His Excellency from this hearing, I am the last man in the world that would make that conduct. For if there is anything in the world which is necessary to complete this investigation in its propriety, its symmetry and its purpose, it is the presence of His Excellency. Now, sir, His Excellency did say in the interview yesterday that sufficient had been shown with relation to Tewksbury and the condition of things there to warrant his taking the step which he did. To that I desire to reply in a single word. I desire to say to this committee that nothing —

Mr. Murphy. I object to this course of argument on the part of Mr. Brown, because he is virtually making this a reply, to which His Excellency objected.

The Chairman. I suppose it is for the committee to say whether they will allow Mr. Brown to make the statement if His Excellency objects.

Gov. Butler. Whether it will have a statement as to what I have said outside of the committee-room.

The Chairman. I don't know what Mr. Brown proposes to say, or what proposition he proposes to make.

Gov. Butler. Pardon me, then you don't know what you

ought to have known, because he said it was in relation to a statement that I made to a reporter last night. Now, if the chairman will stop to think, that when a thing has been stated to him he knows what is going to be stated about, he will see the impropriety of saying that the committee don't know. Mr. Brown has told the committee that he is going to speak about something I said to a reporter about what I have done in my official capacity, for which I am not responsible to this committee or to Mr. Brown. I am responsible to the people of the Commonwealth, whom I represent, and nobody else. [Applause.]

The Chairman. Mr. Doorkeeper, you will remove any one you find applauding, unless the committee otherwise order.

I suppose it is competent for Mr. Brown to submit a statement or proposition to the committee or to the governor. The committee don't know, as I understand it, — for one I don't know, what proposition Mr. Brown asks to submit to the committee.

Mr. Risteen. I believe he has stated it.

Gov. Butler. He has stated it distinctly. I have no right to make a statement to the committee about anything which is not here under investigation, nor has Mr. Brown a right to ask to submit anything of that kind; nor has anybody else. We are here to go on with the evidence; and Mr. Brown's statement will be neither evidence nor pertinent. Counsel has no right to get up and make a statement about anybody, even the meanest of us.

The Chairman. Well, about anything connected with this hearing I think he has a right.

Gov. Butler. It is not connected with this hearing.

Mr. Brown. I beg your pardon, it is, and I have so stated.

Gov. Butler. Connected with this hearing *in the course of the hearing*. But what I choose to say outside of this hearing, that I may say. I have the same right to criticise it, although I have not done it — my self-respect would prevent that — that any other citizen has. If my self-respect would permit me I could say many things about this hearing which are not tasteful to me, but then, that is my affair, and it is not proper for me to speak about it here: but I have a right to speak about it anywhere else. But I have said nothing about the hearing; not one word in that interview which he speaks of is about this hearing or about this committee. The committee is not named.

Mr. Brown. I can satisfy you that you have if you will allow me to read this sentence.

Gov. Butler. Pardon me, I know what is in that quite as well as you do.

Mr. Mellen. I would like to ask for information; what is the question pending?

The Chairman. Mr. Brown rises in his place and desires to call the attention of the committee to something published in the "Herald," as I understand it.

Mr. Brown. And to make a suggestion in reply to it; that is my request.

Mr. Mellen. We have nothing to do with the "Herald," or any other paper in the city of Boston. We have nothing to do with any reply we may desire to make to anything contained in any paper in Boston. I move that we go on with this hearing.

Mr. Murphy. I would like to say that if Mr. Brown wants to make any reply to anything in the "Herald," to my mind the proper place for him to make that reply is in the columns of the "Herald," and not here in this committee-room.

The Chairman. The question is whether Mr. Brown shall be allowed to make his statement.

Mr. Gilmore. I fail to see why this committee should go into the matter of an interview between His Excellency and the reporters.

Mr. Brown. Can I be permitted to say a word?

The Chairman. I think we ought to decide.

Mr. Mellen. I object.

The Chairman. I suggested that I thought we had better take the question.

Mr. Mellen. I don't think it would help matters to have the gentlemen on either side go on with further discussion.

Mr. Brown. I want simply to say, Mr. Chairman, if I may be permitted, that the statement which I desire to make has not been referred to either by the Governor or by any member of the committee, as yet. I never finished the sentence which I commenced to address to the committee before His Excellency interrupted; and until I have had an opportunity for completing the sentence and the idea which I desire to express, I consider that it is unfair to cut me off.

Gov. Butler. Cut off from what?

Mr. Mellen. What he would say, as I understand from his own remarks, has relation to the matter that was in the paper.

Mr. Brown. That is not what I desire to say. I simply referred to the paper incidentally, as containing an expression of the opinion which the governor had expressed; it has nothing to do with the newspaper.

The Chairman. The question for the committee is whether Mr. Brown shall be allowed to proceed.

Gov. Butler. To criticise my opinion as a citizen.

Mr. Brown. Not at all.

Mr. Putney. I don't suppose there is a gentleman on this committee but what has read what the "Herald" says.

The Chairman. I happen not to have seen the "Herald:" I saw one other paper.

Mr. Putney. While I do not think that we should allow every newspaper paragraph, or everything that is in a newspaper, to come in here as evidence, or to be brought in here as argument, I think if Mr. Brown has got something outside of that which he wants to refer to, it seems to me that it is competent that he should do so. Whatever there may be in the newspaper I don't believe should be brought in in any way, any more than what is contained in other papers should be brought in. If we should allow it, we might spend all our time in listening to newspaper articles.

Mr. Chester. I think it is no more than fair that Mr. Brown should be allowed to make his statement. I am curious, for one, to know what it is; and I think in half the time we have spent in discussing it we might have heard him.

Mr. Wolcott. It appears to me that it is perfectly proper for counsel to reply to any statement that is made in this committee-room, before the committee, regarding matters that are before the committee; but I should doubt the propriety of replies being made by counsel to anything that is said outside of this room.

Mr. Putney. I would like to know what the statement is, whether it is anything pertaining to the article in the papers which the committee have read.

Mr. Brown. I desire to say a single word in regard to the opinion expressed by His Excellency with regard to this hearing and what has been here proven; I happen to find it in the "Herald."

Mr. Mellen. There is the objection.

Mr. Brown. It is simply that counsel in this case goes out-

side of this committee-room to make a statement in regard to what has been proven.

Mr. MURPHY. I object.

GOV. BUTLER. In the first place I am not counsel; in the second place I have not said a word about what has been proven in this hearing.

[The question was taken and the committee voted not to allow Mr. Brown to proceed with his statement.]

THE CHAIRMAN. Governor, you may proceed with your next witness.

TESTIMONY OF MARGARET TERRY (*sworn*).

Direct examination by Gov. Butler.

Q. Were you ever at Tewksbury? A. Yes, sir, in the hospital.

Q. Where do you live? A. I live in Endicott Court.

Q. You were in the hospital and you live now where? A. In Endicott Court.

Q. (By the CHAIRMAN.) In Boston? A. Yes, sir.

Q. (By GOV. BUTLER.) When did you go to Tewksbury? A. I am not sure; I cannot remember was it a week or two after Christmas, two years ago this Christmas.

Q. Two years ago last Christmas or next Christmas? A. This Christmas that is passed. Two years ago this month I was in the hospital.

Q. How long were you there? A. Until the last of June, sir.

Q. Until the next June? A. Yes, sir.

Q. You say you were in the hospital. Did you go immediately to the hospital right after you got there? A. Yes, I was taken right into the hospital. I went there with rheumatic pains.

Q. What was the matter with you? A. Rheumatism, sir.

Q. You have had it severely? A. Yes, sir.

Q. Whether you generally were used well? A. I was used by nurse McKinnon ordering me out of bed on a cold winter night with a plaster on my knee — after Dr. Kenney took the plaster off — ordered out at night from one hospital to another with the assistance of another patient to help me along and keep me from falling in the snow.

Q. You were thus taken out, you say, at night, from one

hospital to another? A. Yes, sir, I had to walk from one to another.

Q. In the snow? Was there snow on the ground? A. There was snow and ice on it, sir.

Q. What clothing had you? A. I had an old underskirt, and some kind of an old torn dress, and my own shawl over my shoulders. Dr. Kenney, now Dr. Abbott, asked me who sent me over there, and I said it was nurse McKinnon; and he seemed to be very much displeased about it.

Q. Dr. Kenney? A. He is Dr. Abbott now.

Q. Changed his name? A. Yes, sir, when he got married.

Q. Well, that is sometimes done. Was Lizzie McKinnon nurse while you were there? A. Yes, sir, she was. I was under her care when I was sent in first.

Q. Were you kept in the hospital they took you over to that night? A. Yes, sir.

Q. Do you know why you were taken over there? A. No, sir; I do not. I was abed when she ordered me to get out of bed.

Q. This Lizzie McKinnon we have heard of as a pretty large woman. Was she a large, stout woman? A. No, sir; she was a small, low-sized person.

Q. Then it was the other McKinnon girl. Now did you ever see that Miss McKinnon beat a patient? A. I have seen her take them and shake them. And when she would be striking it was not with the open hand she would do it, but with her hand so [closed], both hands.

Q. Those were patients in the hospital? A. Yes, sir.

Q. Sick patients. Well, whether that was a severe shaking and beating with the hand? A. Well, I suppose to poor, weak patients, that could not help themselves — I know what my own weak feeling was.

Q. Well, what was that? A. Well, there was one time when I was pretty weak, and I could not help myself, and when I was not in the bed I would have to sit in the chair; I would not be able to go around.

Q. Whether you were frightened by this violence? A. Yes; I was frightened so that I was ordered medicine at night, my heart used to beat so when I was thinking of it. My heart used to beat so that the night-watch used to have to go to the other hospital and get medicine to keep my heart still.

Q. Did you ever see this McKinnon put anything over the face of a patient? A. That was Miss McClary. There was a

woman at dinner-time who asked for a potato several times and she was not given it, and Miss McClary went and put a pillow over her mouth to keep her from asking for it. When it was taken off still the poor patient kept asking for the potato. Miss McClary went and got it a second time and when it was taken off the poor patient could not breathe nor speak. Miss McClary got just as pale as though she were dead, and said that if she would only be still there would be nothing done about it.

Q. Did she do anything else besides ask for a potato? A. No, sir; that was all.

Q. Do you remember the case of a patient who asked for water at night when she got more than she wanted? A. In the evening, sir, Miss McKinnon threw the water that was in the bowl right on to her.

Q. Well, the patient asked for water to drink? A. Yes, sir; she had asked for water several times.

Q. How was she answered by Miss McKinnon? A. She was told to shut up her noise and keep still.

Q. Then what did Miss McKinnon do? A. She threw the water she had in the bowl right over her face, only with her clothes covering her; I suppose it kept it off.

Q. Was the woman dressed at the time? A. No, sir; she was in bed.

Q. Threw it right on to her in the bed? A. Yes, sir.

Q. From a pail, or a bucket, or what? A. It was one of these kind of bowls, I call it.

Q. Considerable water in it? A. I really could not tell, sir, because my bed was quite a ways from her; I only saw the water go.

Q. Did you use to write to your brother? A. I used to write to my brother, sir, because I have seen a woman there, an old lady, that was in care of the ward; and there was a poor patient, an insane woman brought in there with a sore knee, and she could not use to speak; I never heard her speak. And this woman used to take care of her and beat her. She took her one day by the hair, and she beat her, not with the open hand but with her fist, beat her on the bed from both sides, and she knocked her head against the iron that goes across the bed, and she bled so that I thought she would bleed to death. I sent to my brother for my fare. He wrote to me to tell him how much it was. I told him to send me two dollars. Well, he sent me the two dollars and I didn't get it; so I waited for

about three weeks and I wrote again to him. I was afraid he hadn't got my letter and he wrote to me saying that he sent it to Capt. Marsh. I took the letter to Capt. Marsh, and he said that the letter must be mislaid, and that it might go to Washington and I might get it. It never did go back to Washington, because if it had I would have got it. Two dollars to a poor woman is a good deal.

Q. Where is your brother? A. In Exeter, N. H.

Q. What is his name? A. Thomas Mead.

Q. Did you get any money? A. The first letter he sent me, when he found out I was there, he sent me a dollar bill, and I got it. There is a part of the letter that he sent to me [producing the letter] at the time he sent me the money.

Q. The money that you got? A. He wrote to me, when he sent me that, to know how much money to send me to take me home from there. "Let me know in your next letter how much your fare is, and I will send it to you."

Q. This was the letter he sent, promising to send the money, wasn't it? A. Yes, sir; and then I answered that letter, and then he sent me two dollars.

Q. Which you never got? A. No, sir.

Q. He was at Exeter then, was he? A. Yes, sir.

Gov. Butler. I wish somebody who has a little better eyes would read this letter.

Q. Did your brother also send you a bottle of wine? A. There was a patient in the hospital who used to assist, who was on what they call the night-watch,—she was going away, and I was so weak at the time, that she said when she got to work, if it was possible to earn the price of it, she would send me a bottle of wine, and try to strengthen me, to help me get out of there. I never got it, sir.

Q. Whether she could or could not send it, you don't know? A. No, sir.

Gov. Butler. The witness is yours, Mr. Brown, if you will please read that letter.

Mr. Brown read the following:—

Exeter, N. H., June 4, 1881.

Dear Sister: — I received your letter, and I feel awful disappointed in you not getting the money I send you. I went to the postmaster here, and he says he will see where the letter went to. Mary and the children want you to come. She thinks you will get

better here quicker. Get ready as quick as you can come. Let me know in your next letter how much your fare is, and I will send it to you.

No more at present.

Your loving brother,

THOMAS MEAD.

EXETER, N. H.

Cross-examination by Mr. Brown.

Q. When did you go to Tewksbury? A. It was two years ago, sir. It was after Christmas. I cannot remember the time.

Q. Two years ago this next Christmas? A. Last Christmas.

Q. That would be in Christmas, 1880. And you were there between that Christmas and 1881; you were there on the fourth of June, 1881, and received that letter? A. Yes, sir.

Q. About that time? A. Yes, sir.

Q. You say you had a letter before that? A. Yes, sir.

Q. Which enclosed two dollars? A. No, sir. I had a letter before with one dollar in it and I got that letter.

Q. You got the letter with one dollar? A. Yes, sir.

Q. But the letter which had two dollars in it you did not get? A. No, sir.

Q. Do you know about the time when that letter, which is said to have contained two dollars, was mailed? A. I do not remember, sir.

Q. How came you at Tewksbury? A. I was sick with rheumatism and I went there — I was sent there.

Q. Sent from where? A. From Pemberton Square, by an old gentleman, gray-haired and very kindly. He spoke to me and said I would be very well taken care of and that I would get all kind of attendance and would come back in good health to Boston.

Q. Now, what had you been doing prior to the time when you went to Tewksbury? A. I lived out; I worked out for a living.

Q. Where did you live? A. I lived with Madam Sears here on Beacon Street.

Q. What number? A. I cannot tell.

Q. Do you know her husband's name? A. David Sears. There are two brothers of them.

Q. You lived there? A. Yes, sir.

Q. Where else? A. I have lived with Mr. Williams, over on Boylston Street.

Q. What Williams? A. He is an old gentleman; his daughter Sarah keeps house now.

Q. Miss Sarah Williams? A. Yes, sir.

Q. You don't know the number? A. No, sir.

Q. Where else? A. With Mr. S. K. Bush, on Chestnut Street, right here, back of this building.

Q. How long did you live there? A. I don't remember; I suppose he has it on his books.

Q. Where else? A. I have lived with Mr. Joshua Merrill, on Chester Park.

Q. Where else did you live? A. I lived down at Rye Beach.

Q. With whom? A. I did laundry work for Mr. Albert Batchelder; I worked there two summers.

Q. At a private house? A. No, sir; a hotel. He lives there himself.

Q. Very well. You were not born in this country, were you? A. No, sir.

Q. When did you come from Ireland? A. I came before the war; sometime before the war commenced. I have lived in St. Mark's School for three terms, and with Rev. Dr. Coolidge.

Q. Now, when did you leave Tewksbury? A. I left it on the last of June.

Q. That is, the last of June, 1881; about two years ago? A. Yes, sir; about two years ago.

Q. Well, you left later than June 4, on the occasion when you received money from your brother, did you? A. I left when my sister-in-law came after me.

Q. She came after you from Exeter? A. Yes, sir.

Q. Did you go to Exeter with her? A. Yes, sir.

Q. How long did you stay there? A. I stayed there about two weeks.

Q. Where did you go then? A. I came to Boston.

Q. And you have been in Boston since sometime in the fall of 1881, have you? A. Yes, sir; I have been in Boston since I left my brother's, only when I was at the White Mountains, last summer.

Q. Now, where have you been in Boston? A. I have been stopping with a lady where I make my home when I am out of work, the same as every girl does.

Q. I want to know the street and number? A. I have been on Endicott Street when I have been out of a place.

Q. What number Endicott Street? A. That I cannot tell, for I do not mind numbers.

Q. Where is Endicott Street? A. It is not very far from here.

Q. Down towards the United States Hotel, is it not? A. No, sir; it is near St. Mary's Church; St. Mary's Church is nearly on to it. I don't speak very loud; I think you are hard of hearing. I say St. Mary's Church is nearly on to it.

Q. Very well; where is St. Mary's Church? A. I am telling you were it is.

Q. I want to find out where you live. You say on Endicott Street. In what locality is Endicott Street? A. I cannot tell you any more than I am telling you now. I am not an educated lady; I am only a poor, hard-working, honest girl.

Q. I understand that; but I want to understand where Endicott Street is. What part of the city of Boston? A. Well, when I am coming up here, I come right up through Haymarket Square. The other streets I don't know very much about. I have to earn my living, and I do my work, and not go about the streets; that would not get my living for me.

Q. Now, what number Endicott Street? A. I tell you, Mr., that I cannot tell numbers, for I am no scholar.

Q. Well, take that part of Endicott Street which is nearest to the Lowell passenger station, and with reference to that, where do you live? A. Well, it is near St. Mary's Church. The way I would go from here to it, it is at the right-hand side, and where I live is on the left. The house is quite close; I can see the house from the church.

Q. (By Gov. Butler.) Will you go and show anybody where you live on Endicott Street, when you go home? A. Yes, sir; I will, any time.

Q. (By Mr. Brown.) Who keeps the house at Endicott Street? A. The lady that I used to stop with is dead, and now there is another nice old lady that I stop with, and her name is Mrs. O'Brien.

Q. How long have you lived with Mrs. O'Brien? A. Well, I left my place yesterday, and I slept there with her last night. I make my home with her since the other woman died.

Q. Where was the place you left yesterday? A. The Arlington House.

Q. How long had you been at the Arlington House? A. Two weeks.

Q. Whom did you work for, and where, before you went to the Arlington House? A. I worked for a lady here in the city for two weeks. I had to leave; I was sick.

Q. What was her name, and where did she live? A. I disremember her name.

Q. Where did she live? A. I disremember the street.

Q. Did she live in Boston? A. Yes, sir; right close by, on Salem Street, where this large church is; where the chime of bells is.

Q. What number? A. I don't know.

Q. Where did you live before you lived at Salem Street? A. At the White Mountains.

Q. Whereabouts? A. In the Flume House, with Mrs. Elliot, and I am going back there again. I have my letter to go back there.

Q. That is up beyond Plymouth, before you get to the Profile House, is it? That is what you refer to? A. Yes, sir; I guess I can let you see the letter.

Q. Never mind about that. Mrs. Elliot, you say? A. Yes, sir.

Q. Now, how many summers have you lived at the Flume House? A. Last summer; and she has engaged me, by my conduct and capability, for the coming summer.

Q. Now, have you worked at any other place, except the places you have named, since you left Tewksbury? A. Not that I remember, because my health is poor, and I cannot keep a place very long.

Q. I didn't ask you that. What is the occasion of your poor health, by the way? A. Well, I got a severe cold in the hospital, and it affects me right here. [Across the chest.]

Q. Now, will you tell me whether you have always been by the same name which you have given here to the committee this morning? A. Yes, sir; that is, for the last fifteen or sixteen years, I have gone by the name of my husband.

Q. Now, what intelligence office, if any, here in Boston, since you left Tewksbury, have you visited for the purpose of getting employment? A. Mr. Jordan's.

Q. Where? A. I cannot tell; I will give you his card, and I suppose you can read it better than me.

Q. James A. Jordan, 76 Hanover Street? A. Yes, sir; there is my ticket.

Q. And that is where you have always gone for employment? A. Yes, sir.

Q. Have you ever gone to any other intelligence house for employment? A. Yes, sir.

Q. What other? A. To Mr. Cummings.

Q. Where is that? A. It is on Cambridge Street.

Q. Any other intelligence office, except Jordan's and Cummings'? A. No, sir.

Q. Only those two? A. That is all, sir. Mr. Jordan knows that I am a good, honest, faithful girl, and he has no trouble in getting me a situation whenever I have my health.

Q. Now, what was the name of this woman who you say undertook to smother this person who wanted a potato? A. Miss McClary.

Q. And when was this? A. Well, it was, — I was about four or five weeks in the hospital.

Q. So it was in the winter of 1880–81? Now, what was the name of the woman she attempted to smother? A. I don't know her name.

Q. Was this in the hospital? A. Not in the hospital where Miss McKinnon was, but in the other hospital where they sent me.

Q. Now, what was the name of the woman whom she tried to smother; can you tell me that? A. No, sir; I cannot.

Q. Who was the woman who undertook to beat somebody? A. She is a woman that was sent from what they called the house, to the hospital, to keep the wards clean regularly, and her name is Mrs. Duffy.

Q. Mrs. Duffy? A. Yes, sir.

Q. Now, who was the woman she tried to beat? A. She was a very old lady, sir; I never heard her speak.

Q. What was her name? A. I don't know her name; I never heard her speak.

Q. When was this occurrence? A. When I was in the hospital.

Q. What day of what month? A. I could not tell, sir.

Q. Could not tell anything about it? A. No, sir; I could not, because I was too sick.

Q. Did you say you had a bottle of wine sent you? A. Yes, sir; but I cannot say except the girl that brought it told me she sent it to me.

Q. Whether it ever arrived at Tewksbury, you don't know? A. No, sir; I don't.

Q. You don't know that it was ever sent except by what she told you? A. No, sir; she said she sent it.

Q. What was the name of this girl? A. Mary Sullivan.

Q. Where did she live? A. She used to stay over in Charlestown.

Q. Are you in the habit of using intoxicating liquors? A. No, sir; I don't handle anything that comes out of a liquor store, nor I don't go after it.

Q. Don't drink it at all? A. No, sir; I don't drink anything I can get reproof of; touch nothing that comes out of a liquor store.

Mr. Brown. That is all, unless there is something in this register that I want to recall her for.

Mrs. Abby E. Wheeler (*sworn*).

Direct examination by Gov. Butler.

Q. Did you go to Tewksbury at any time? A. Yes, sir.

Q. Where did you go to? A. I went to Tewksbury, 1881, I think.

Q. In what part of the year? A. Two weeks before Christmas.

Q. Before Christmas, 1881? A. Yes, sir.

Q. How long did you stay there? A. I forget; I think I stopped there from four to six weeks.

Q. And then came out? A. Yes, sir.

Q. Go back again? A. Yes, sir.

Q. How long did you stay out? A. About six weeks, I stopped out, as near as I can remember.

Q. And when did you go back? A. I went back in about six weeks; I got sick again and went back again.

Q. What was the matter with you? A. I had two tumors, internal; one cut out and the other scraped out.

Q. How long were you there the second time? A. I was there about six weeks.

Q. Go there the third time? A. Yes, sir; I was carried there with a broken leg; carried there from the City Hospital, Boston.

Q. Carried from the City Hospital, Boston? A. Yes, sir.

Q. And you went there with a broken leg; how long did you

stay there the last time? A. I stopped there a little over a week.

Q. Got out again? A. I was taken to Fitchburg to my home in Fitchburg.

Q. Where you have a settlement? A. Yes, sir.

Q. Then I assume you were born in Fitchburg? A. No, sir; that was by my husband.

Q. Where were you born? A. Barrington, Nova Scotia.

Q. Do you remember a Mrs. Abby E. Durning? A. Mrs. Durning.

Q. Was Abby her other name? A. I don't know what her other name was.

Q. Did you ever see her do anything to a patient because she would not take her medicine, — the first time. A. The second time.

Q. The second time? A. Yes, sir.

Q. What did she do to her? A. I see her jump on to her with her knees across her stomach, and jump her six times, up and down, calling for Mrs. McClary to come and hold her hands. She held her hands, and they turned the medicine down her throat.

Q. Did you ever see, while you were there, a Miss McClary, another nurse, do anything with a pillow? A. Yes, sir; I saw her take a pillow and fetch it and put it over a woman's head that was crazy, and hold it down for about two minutes. She took it off, and the woman called for a potato, and she took the pillow and crowded it down over her head again, and held it for four or five minutes, as near as I recollect. She took it off of her and the woman could get no breath, and she stood looking right at her, turning pale, till the woman gaped and came to. When she got so she could speak she says: "Oh! you have killed me." I got frightened, and that night I jumped out of the window.

Q. And ran away? A. And made my escape to Lowell, and hired, — I ran away at three o'clock in the morning, and went to work at eleven in Lowell, and worked till Monday morning, till Saturday night, when I was taken with hemorrhage; so they kept me till Monday morning, and the girls in the Merrimac corporation house, No 3, gave me money, and I came to Boston, and got as far as Washington Street, and a policeman put me into a car, and I went to the city hospital, and went right in and stopped till I got well.

Q. Do you know, of your own knowledge, what became of this crazy woman who had the pillow over her? A. I was told she died in a fortnight, but I was not there.

Q. Do you remember her name? A. I do not know her name.

Q. Did you see the last witness here, the woman who was sitting in the chair just before you? A. Yes, sir; she was in the same ward, and saw the same thing; we all had eaten our dinner, and all looked with astonishment, — thought the woman was gone.

Q. How often did you see old Mrs. Marsh, the matron, in this ward while you were there? A. I never saw her at all, any time; I never saw her to my knowledge, ever.

Q. How often did you see Thomas Marsh, Captain Marsh, the old gentleman, in the hospital? A. I saw him twice. I saw him the first time when I went there, and he came into the hospital the day I was removed to Fitchburg.

Q. Where was he the first time you saw him? A. I think he was in the office.

Q. Did you ever see him in the hospital at any other time than the day you were removed to Fitchburg? A. I don't remember I ever did.

Q. You used to see Mr. Thomas Marsh there, the younger man by that name? A. Yes, sir; I used to see him often there.

Q. Quite often? A. The first time I went.

Q. Quite often? A. Yes, sir.

Q. What was he doing there? A. He would come into the ward, talking with Miss Reina Kenney.

Q. In what way were they talking? A. Funning and joking, and playing and wrestling, and having a good time.

Q. Did you see him do anything else? A. No, sir.

Q. Did you see him do that sort of thing more than once? A. Yes, sir; he would always come in about every evening; some nights he would not be there, up in the ward.

Q. And when he was there, was this his errand; did he used to do this thing evenings, when he came in, always? A. Not every night.

Q. Did you know, after he came in there, at any time, and was playing with the girls, whether there was any particular one that he played with? A. Reina Kenney were the only one I ever saw him.

Q. Which one? A. Reina Kenney; one of the nurses.

Q. Have you ever seen him go up from the ward, up the stairs leading to Miss Reina's room? A. I did not see him go to her room.

Q. No, but up the stairs? A. I was discharged from the hospital on Monday; and that Monday evening, the first time I was there, Ann Malone, a room-keeper, stood in the entry —

Q. Never mind, — if you didn't see it, don't say a word about it. A. I didn't; I saw him going up the stairs, and she said he was going to the nurse's room.

Q. You saw him going up stairs? A. I saw him, that is all; I saw him going up the stairs.

Q. With Miss Reina? A. No, sir; alone.

Cross-examination by Mr. Brown.

Q. You have been to this almshouse twice, haven't you? A. I was there three times; I was there twice of my own accord, and carried from the city hospital.

Q. And when do you say you went there the first time? A. I was there three Christmases ago; two weeks before Christmas — about two weeks.

Q. Now, let us see; you went there in December, 1880, did you not? A. Yes, sir; I can't tell the date; I forget the date.

Q. Went there on the 11th day of December, 1880? [Referring to the register.] A. Yes, sir; if it is on the book so.

Q. And you were discharged on the 19th of January, 1881? A. Yes, sir.

Q. Now what were you there for? A. I was there by weakness — sickness; trouble with the spine of my back.

Q. Trouble with the spine of your back? A. Deficiency, the doctor said, in the backbone, the spine.

Q. How many children have you? A. I have had seven.

Q. Where are they? A. Four is dead.

Q. How many children had you in 1881? A. I had four living.

Q. Where were they? A. One is in Palmer, and one adopted, and three in Nova Scotia.

Q. Did you have any children in Monson in 1881? A. I don't know.

Gov. Butler. That is what she calls Palmer.

The Witness. Yes, sir; a paralyzed baby, a paralyzed boy.

Q. How many children did you have there at Palmer? A. I had two.

Q. What was the matter with the other one? A. The other one — there was nothing the matter with that. The children was taken from me in the forenoon and I was taken to the city hospital and the tumor cut out; internal.

Q. That was before you went to Tewksbury? A. Yes, sir; twelve years ago.

Q. Twelve years ago? A. January, it was taken out. I am an invalid.

Q. Now, let us see one moment; did you go to Tewksbury twelve years ago? A. No, sir; three years ago.

Q. And this operation which you say — A. Was twelve years ago.

Q. Which you say you had performed at the city hospital was twelve years ago? A. Yes, sir.

Q. Now, what was the occasion of your going to Tewksbury on the 11th day of December, 1880? A. Because I could not work, and I had maintained myself as long as I could maintain myself.

Q. Where was your husband? A. I don't know where my husband is for eighteen years.

Q. You have not seen him? A. My brother-in-law took me and my five children from him.

Q. How old were these children at Monson or Palmer? A. Sixteen, paralyzed, my youngest.

Q. Sixteen? A. Yes, sir.

Q. Is that the younger one of the two? A. The youngest one; I forget how old. I took so much morphine I can't keep the numbers in my head.

Q. You are sure about the age; sixteen? A. Sixteen, I think.

Q. Sure about that? A. No, sir, I am not; it is on the record.

Q. Now, are you certain about anything? A. Yes, sir.

Q. Hasn't the morphine affected your head so you don't know anything? A. I have no memory of any time; anything that does not trouble me I don't remember.

Q. But doesn't a mother usually remember the age of her child? A. I do not.

Q. Do not remember the age of your children? A. I

remember my own age, but I don't remember my children's age. I never was to school but three weeks in my life.

Q. Now, this youngest child is about sixteen years old? A. Yes, sir; I think so.

Q. Who is the father of that child? A. John T. Wheeler.

Q. That your husband? A. Yes, sir.

Q. How does that happen if you haven't seen him for eighteen years? A. I am reckoning wrong.

Q. Oh, yes! A. Well, you can find out; you can go to Chardon Street and find out, for everything is on the books there.

Q. Then you came to Tewksbury again when? A. Came when? About six weeks afterwards.

Q. About six weeks afterwards; now, the first time you came under the name of Abby Wheeler? A. Abby E. Wheeler is my name and been so.

Q. Now, what was the matter with you when you went to Tewksbury the second time? A. The same trouble in the spine, across, swelled through my bowels.

Q. Let us see: when did you go to Tewksbury the second time? A. Four or five or six weeks; I think it was about six weeks; five or six weeks.

Q. Wasn't it in the month of April? A. I think so.

Q. Wasn't it on the fifth day of April? A. Yes, sir.

Q. 1881? A. 1881.

Q. And you stayed there till the twenty-second day of April, didn't you? A. Yes, sir.

Q. And then you absconded as you have stated? A. Yes, sir.

Q. Well, now, let us see one moment. You saw this lady, Terry, who was on the witness-stand here a few moments ago? A. Yes, sir.

Q. You heard her story? A. I saw it with my own eyes.

Q. You heard her tell the story here upon the witness-stand, didn't you? A. Yes, sir; and talked it over winter before last, the two of us together, in the lodging-house in Endicott Street.

Q. What was the number of that lodging-house? A. Eighty-nine.

Q. Eighty-nine Endicott Street; and when was it you were there, and talked it over? A. It was in December, January and February; I stopped there the whole winter long.

Q. December, January and February of what year; this last winter? A. Winter before last.

Q. That is, 1881–82? A. Yes, sir.

Q. That was the winter following the time when you left Tewksbury? A. That is the first time I was there.

Q. Now, you say you both saw the same occurrence? A. Yes, sir.

Q. How did it happen that the occurrence that she testified to took place in January or December, and you didn't go to Tewksbury till April? A. The day it happened I jumped out of the window; that is the day it happened and the day I went.

Q. Sure about that? A. Yes, sir; it happened at twelve o'clock, and I went out at half-past three, out of the window, that night.

Q. And that is what made you leave, because you saw that affair? A. I was frightened.

Q. You were frightened and you left? A. Yes, sir.

Q. What was the name of this lady that you say this nurse tried to smother? A. I could not tell you.

Q. Did you ever hear it? A. I have learn it but I forget: she was fetched from the insane asylum, and she had one foot crowded out all around.

Q. What do you say the name of the woman was who used the pillow? A. Miss McClary.

Q. Did you tell anybody in the institution before you left what had taken place? A. Yes, sir.

Q. Who? A. The night-watch; Mary Sullivan, I think it was.

Q. Mary Sullivan. A. Told her, if I got asleep, to pinch my foot, and she done so and let me escape.

Q. You told Mary Sullivan what you saw take place, and what Mrs. Terry saw in regard to the smothering of that patient? A. I didn't mention Mrs. Terry at all; mentioned myself.

Q. But you saw it and told Mary Sullivan, the night-watch, about it? A. Yes, sir.

Q. Did you tell anybody else in the institution except the night-watch? A. I told the woman who was next to my bed; sleeping next to me; I could not tell her name; I asked her for a cloud to put on; she said she could not let me have her cloud.

she was going to wear it to church; told her I was going to leave.

Q. Did you tell anybody else? A. Yes.

Q. Did you tell any other officer of the institution except Mary Sullivan? A. No, sir; never.

Q. Now, did you tell anybody of that from the time you left the institution till you met Mrs. Terry in Endicott Street? A. Yes, sir.

Q. Who? A. I could not tell you who, but when I got to talking over about the hard time I had had I would tell that.

Q. Where are you stopping now? A. I am for a week in 25 Endicott Street, cooking in a boarding-house.

Q. Who keeps the house? A. Gerry.

Q. And what have you been doing before that? A. I was living out the summer seven years ago when I was operated again by Dr. Baker for tumors, internal. I lived with Dr. Edward Hale for the next summer at the Seaside Home in Plymouth.

Q. Dr. Edward Everett Hale? A. Yes, sir.

Q. Where next? A. I lived with Mr. Beebe in Falmouth.

Q. Falmouth, Massachusetts? A. Falmouth, Cape Cod.

Q. Where else? A. I lived with Mr. Hopkinton in Falmouth Heights; the Rev. Mr. Wright from Hopkinton.

Q. Where else? A. I lived with Mary Martin in Weston three weeks in the fall, and got sick and came home.

Q. Are your children still at Monson, or Palmer, as you call it? A. In Palmer, — the baby is, and the other is in Nova Scotia with my brother.

Q. You say the baby is in Palmer? A. I call him the baby; he is the youngest.

Q. (By Gov. Butler.) Did you tell the people at Lowell what you had seen and how you ran away? A. No, sir, I did not; I told Mrs. Ayers, No. 3 Merrimac corporation house, Monday morning, and she said it was too bad for me to be sick there and what could I do, and then I told her where I came from.

Q. And how you came? A. Where and how.

Q. And what you saw? A. Yes, sir; and she told me that she knew I was not fit to work, and I told her I had to work, often, when I was not well, and I thought I could hold out and do something.

Q. No. 3 Merrimac corporation? A. Mrs. Ayers.

Q. What is the other name? A. I don't know.

Q. (By Mr. Brown.) What is the name of the brother, you spoke of, that sent you to Tewksbury? A. I have no brother.

Q. Brother-in-law? A. Brother-in-law; he has my children in Nova Scotia,— Digby.

Q. I want his full name and address. A. Robert Warner.

Q. Robert Warner, Digby, Nova Scotia? A. Yes, sir.

Bridget Dolan (*sworn*).

Direct examination by Gov. Butler.

Q. When did you first come to Boston? A. I came, sir, in February.

Q. What February? A. This February past.

Q. The present year? A. Yes, sir; I came about the middle of February to Boston; my daughter was sick; the doctors pronounced her in consumption, in Augusta.

Q. You came from Augusta, Maine? A. Yes, sir.

Q. With your sick daughter? A. Yes, sir.

Q. What was her name? A. Her name was Mary Jane Pender; she was my first husband's child, and I came up with her.

Q. And had she an infant daughter with her? A. No, sir, but an infant son; one year and four months old. Well, I brought my household furniture with me.

Q. You came here for medical assistance; to get medical attendance? What did you come here to Boston for? A. I came here, sir, with my daughter.

Q. For what purpose; what did you come for? A. What did I come here for? To have the opinion of the doctors, sir.

Q. You came here to get the opinion of the doctors? A. Yes, sir.

Q. And you came from Augusta? A. Yes, sir.

Q. When you came from Augusta, did you bring your household furniture; start your household furniture for here? A. Yes, sir; I brought it with me; at least, it came after us.

Q. Do you remember what day you got here? A. Well, indeed, I do not, your honor, remember the date; I got here on Friday, but the day of the month I can't say. We left Augusta on Thursday and came in the Pullman train.

Q. Had your furniture got here when you got here? A. No, sir.

Q. You waited for that? A. I was waiting for it to come, sir.

Q. And did you intend to go to housekeeping when it did come? A. Yes, sir.

Q. Did you go to the Chardon Street Home? A. We stopped, sir, and I was paying, at a hotel, so much a night, and I didn't bring a great deal of money with me, and then it was too expensive. So we were sitting at the depot and a lady told me, — my daughter was not able to travel with me; she was sick, — and they told me that there was a temporary home in Chardon Street, and that I could leave her and her child there while I would be going to provide a tenement and see about the freight of my things when the freight would come. So, accordingly, I took her and her child there and asked them to know if I could leave my daughter there for a few days till I would provide a home to take her to. And they said yes. Then, that was on Monday, I went to see her a Wednesday, and my freight didn't come till the eight o'clock freight; at least, a Wednesday night at eight o'clock. I had a tenement to put them into.

Q. Where was that tenement? A. That was in Malden, sir; for I lived in Malden before, and I got work there, and I thought I would do that same then.

Q. After you got your tenement in Malden? A. I came after my daughter and her child, and they told me that she was sent to Tewksbury. They said, "You can get her out any time you want her." I went back to Malden again and I went into the city hall and they telephoned the next day to know if my daughter was there.

Q. To Tewksbury? A. Yes, sir; they answered back she was in the hospital in bed. So accordingly I stopped there for a couple of days, and I went around looking to see if I could get work, and I had promise of work. I paid my fare and I went to see my daughter, from Malden to Tewksbury, and she was in bed in the hospital, and her child was in the nursery. "Oh, mother," she says, "for God's sake take me home out of here." Said I, "I will, child, take you home." So I could not get my daughter.

Q. Whom did you apply to for her? A. I applied to Mr. Nash for her.

Q. Who? A. Mr. Nash.

Q. Marsh? A. Marsh or Nash, or whatever his name is; and he said, "No," he says, "you can't have her." Said I.

"What is the reason, sir?" He says, "Have you got a home for her?" Said I, "Yes, sir." "Well," he said, "you can't have her." Well, I went and I told Mary, and she got discouraged. They kept her on the bed all the time, and the doctress would not let her up. I went subsequently and saw her, and she was on the bed. Said I, "Mary, what makes you lie on the bed all the time; it is enough to weaken you down?" She says, "Mother, the doctress will not leave me up nor walk around." "Well," said I, "that is hard." I saw the doctress that day, as I was coming out. Said I, "Why don't you leave my daughter walk around?" She kind of giggled and laughed at me.

Q. What? A. She only laughed at me. Well, then, from that out she would not make her appearance when I went there. Then I saw Mr. Nash and I spoke to him; said I, "Mr. Nash, what is the reason that I won't get my daughter?" Says he, "You can't, but I will tell you what I will do with you," he says; "you go to Mr. Jewell in the city hall," — I moved from where I was living down to Lowell when they objected to giving me my daughter, in the way I would be nearer if anything should happen. I got a tenement in Lowell and moved there. And then I went to Mr. Nash and I asked him, — "Sir," said I, "what is the reason you won't give me my daughter?" "Well," says he, "you can't have her." Well, then, "But I will tell you what I will do," he says; "if you will go to Mr. Jewell, that is at city hall in Lowell, and get a letter from him to certify to give you your daughter, you shall have her." I did do it, and I got it from him and gave it to Mr. Marsh.

Q. Was that Mr. Jewell or Mr. Jewett? A. Jewell; he is the head overseer of the poor, sir. He gave me the letter to give to Mr. Nash to have me have my child and my grandchild. He read the letter and, says he, "You go over to the hospital." I went over to the hospital, and between my going to the hospital my daughter was sitting on the bed dressing herself, when Mr. Nash came to the door again and he says, "You hold on," — shaking his hand. He says, "You can't have her. This letter is of no use," — after he telling me before there to get a letter from Mr. Jewell. He says, "This letter is of no use." "What is the reason, sir?" said I. Well, that was just four weeks to-day. "What is the reason, sir?" said I. He says, "It is of no use," he says.

Q. You said, why isn't it of any use? A. I don't know, sir; he didn't say it.

Q. Did he tell you why it wasn't of any use? A. No, sir; he did not. Well, "My daughter," said I, "I can't have you, Mary;" and she cried and I cried, and she says "Mother, it is too bad." So she lies back on the bed, and I took her child in my arms, expecting that he would call her to get the clothes, and I took the child into the nursery. Well, from the usage the child got he lost his speech and lost his talk, and he was afraid to utter a word. And I said to one of the women, "What is the reason that Willie has lost his talk?" "I don't know," she says. "Well, that is queer," said I. So there was nothing more to do and I came home then; that is four weeks ago.

Q. Stop right there, now. Was Willie a healthy child when he went there? A. Yes, sir.

Q. Anything the matter with him that you know of? A. No, sir.

Q. How old was he? A. He was a year and four months.

Q. You didn't get your daughter? A. No, sir.

Q. How long after you were refused — A. Did she die?

Q. How soon did she die after that? A. She died, sir, the following Friday.

Q. The following Friday? A. Yes, sir. When I got the despatch of her death, I went to the hospital and asked the woman there —

Q. You got a despatch? A. I did, sir; I got a despatch of her death afterwards; there it is, your Honor. [Handing the despatch to the governor.]

Q. When you went to see your daughter, did you ask her what the matter with her was? A. They said, sir, — the doctors told me she had consumption. They told me that in Augusta before we left there.

Q. How did your daughter say she had been treated? What had been done to her? A. She said, sir, she could not get a drink. When I was with her, four weeks ago to-day, she was living.

Q. What? A. Four weeks ago to-day me daughter was living out in Tewksbury, and I was refused getting her each time. After Mr. Jewell writing for me to get my girl, I could not get her, and I was there. I was there when the dinner came up to them. There was a bit of black fish, sour fish, to a patient, and two potatoes, water-soaked. There was not a

knife nor a fork; and she turned one side, and she said, "Mother, I could not taste of that." Says I, "Child, what will you do?"

Q. You say the two sheets were damp? What do you mean by water-soaked,—damp? A. Two potatoes that came to her, sir, for her dinner, and a piece of black pollock, — the fish and the two potatoes; and then there was some skimmed milk came in a bowl. She turned one side, and, of course, she could not touch it.

Q. That is all she got to eat, as you saw her there, when she was a consumptive in the hospital? A. The day that I was there, and that was four weeks ago to-day.

Q. Two cold potatoes,—two potatoes, water-soaked potatoes — A. Water-soaked.

Q. And a piece of what? A. Of old fish.

Q. What? A. Of black fish,—black.

Q. Salt? A. Salt, sir,

Q. How long was this before she died? A. That was a Thursday; she was dying all day Thursday, and calling for me. They knew where I was, but they didn't send me word my daughter was dying; and she died a Friday morning at half-past three o'clock, according to this despatch they sent me.

Q. This was the despatch? A. Yes, sir.

TEWKSBURY JUNCTION.

MRS. JOHN DOLAN, *201 Market Street.*

Mary Pender died last night. Bring coffin if you wish to remove remains. Answer.

(Signed) T. J. MARSH, *Sup't.*

Q. You say she had some milk; did you look at the milk? A. It was skimmed milk, sir.

Q. Skimmed milk? A. Yes, sir; she did not use it; it was beside her, in a bowl.

Q. Now, did you get the coffin and go for her? A. No, sir; I did not. I came back to Lowell again, and I went to an undertaker to see how much the coffin might be. He told me it was going to be so much; I don't know, — as much as would be for the coffin.

Q. How much would it cost? A. He said he would give me a coffin for $16. Well, I told him I hadn't it. I went down to a daughter of mine that lives in Peabody, another married

lady, and my daughter's husband was out of work, and she gave me seven dollars. I brought the seven dollars up with me, and asked the undertaker in Lowell Street to know if he would take my word for the rest, and he said no. Well, I could not take my daughter then.

Q. You could not go for your daughter's remains? A. No, sir. My daughter that is dead now, that died, worked with Mrs. Parker, and so did I. I lived with Mrs. Parker as cook; I worked for Mr. Hildreth in Lowell, and I worked for —

Q. Did you see her buried? A. No, sir; no, sir; I did not.

Q. And you don't know whether she was buried or not? A. I do not, sir. I went there, and he said that I could not get her that day, nor for several days, till such time as the priest would come and take her into the chapel. Well, this was on Friday; and, said I, "When will the priest come?" Well, he says, "You will know by and by when he will come;" that is all the reply he gave.

Q. Did you know when the funeral was, if there was a funeral? No; no, your honor; I did not.

Q. Didn't inform you of that? A. No, sir.

Q. Didn't inform you when the priest would come. A. I was unable, — she lived with Mrs. Parker for several years —

Q. And is the child there yet? A. No, sir; the child was sent down to Hingham.

Q. Where? A. They notified Hingham. My husband, John Dolan, has been in the army. I was married the second time; she belonged to my first husband, and he had been in the army, and he was down in the soldiers' home in Togus; and I cooked in Togus, in Major Cutler's time, myself.

Q. Then, if I understand it, your daughter was the daughter of a Mr. Pender? A. Yes, sir.

Q. Of Hingham? A. No, sir; my husband used to work in Cambridge.

Mr. Brown. The daughter's husband had a settlement there, Governor.

Q. Your husband was a soldier? A. My second husband was a soldier, — John Dolan; I was married to him before the war.

Q. And was this Mrs. Pender his daughter? A. No, sir; that was her father's name, Pender.

Q. And your child was sent to Hingham? A. The grandchild was sent to Hingham.

Q. Because he had a settlement there? A. Because she had a settlement there from her father: she was young when I married, and they came from Hingham here. They notified Hingham and they came after her, and she was dead when they came, and then they took her child.

Q. They notified Hingham, and she was dead when they came? A. Yes, sir.

Q. They wanted Hingham to support her, but would not let you? A. Yes, sir; and the grandchild is in Hingham now; I went to see him there, to Hingham.

Q. Do you know anything about their putting your daughter into the scales and weighing her? A. I do, sir.

Q. What was that? A. When I went to see my daughter she was exhausted out, stretched on the bed: they would not leave her stop up. Says I, "Mary, what makes you feel so bad?" She says, "Mother, they had liked to kill me." Says I, "How so, child?" She says, "They took me out of bed, and three more that was there that they pronounced consumptive, and they put them in a scales to weigh them and know their heft; they held their two arms stretched out while they had them on the scales," she told me, "for as much as half an hour." Said I, "What do they do that for?" Said she, "I don't know, mother, but," she says, "I didn't know where I was," she says; "they kept me so long I was exhausted. They took my heft and the color of my eyes, and my size and everything, and the doctress that was there would not leave me off of the scales till I fell in a faint, and I don't know what happened afterwards." "Took three women," she says, "the same way."

Cross-examination by Mr. Brown.

Q. Your daughter had been in Tewksbury before, had she not? A. She had, sir.

Q. When was that? A. I could not exactly say.

Q. Didn't she go to Tewksbury in a family way in 1881, in the month of October? A. Well, I believe she did, sir.

Q. And wasn't she confined there? A. In Tewksbury?

Q. Yes. A. No.

Q. You say she was not? A. I don't know; I have been away; I have been down in Augusta, home.

Q. Do you know whether she was or not? A. I know that she had a baby.

Q. You don't know where she was when she had it? A. No; she was with me when she had it, for I came after her.

Q. Where were you when she had the baby? A. I was living —

Q. Where? A. In my own house.

Q. Where? A. I believe it was in Lowell; I cannot, I really cannot remember, sir.

Q. Can't remember where you were when this child was born? Is that it? A. When whose child was born?

Q. Your daughter went to Tewksbury in a family way in October, 1881, did she not? A. I wasn't to home, then, sir.

Q. Where were you? A. I was living with a Mr. —

Q. Where? A. I believe I was down in Augusta, Maine.

Q. Were you living with your husband? A. No, sir; but I was living with Mrs. Parker.

Q. Is your husband living now? A. No, Mrs. Parker wasn't living in Augusta, Maine; I lived with Mrs. Parker in Lowell.

Q. Are you living with your husband now? A. No, sir; he is down in the Soldiers' Home.

Q. I thought you were talking about your daughter's husband? A. No, sir.

Q. She went to Tewksbury a second time, and when she was there the second time you went to see her? A. At Tewksbury?

Q. Yes. A. At Tewksbury — yes, sir; I did.

Q. About what time did you get there in the afternoon? A. I could not tell you.

Q. It was about half-past five, wasn't it? A. I couldn't exactly say, sir.

Q. Now, madam, when you got to the depot you found a man there with a carriage who took you up to the almshouse, didn't you? A. No, sir.

Q. Did not? A. No, sir; I did not.

Q. Didn't you ride to the almshouse with a man in a carriage? A. I disremember; I disremember.

Q. A man by the name of Jones? A. Perhaps I did; I disremember.

Q. And didn't Mr. Jones, when he helped you out of the wagon at the door, tell the gentleman who was standing there

that you were so drunk you would have to be taken care of? A. At the almshouse?

Q. At the almshouse? A. No, sir.

Q. Did not? A. No, sir.

Q. Were you so drunk that you didn't know what you were about? A. I did, sir, know perfectly well what I was about.

Q. You were perfectly sober? A. I was, certainly. When I went to the almshouse?

Q. Perfectly sober? A. I was, sir.

Q. It was about half-past five o'clock in the afternoon, wasn't it? A. I could not exactly say what time it was.

Q. You wanted your daughter; you wanted to take her home, didn't you? That is what you came there for? A. Yes, sir.

Q. She was sick abed with consumption, was she not? A. With consumption?

Q. Yes. A. With consumption? Her eyes were weak; it was no consumption.

Q. No consumption; simply weak eyes? A. Weak eyes.

Q. And there was about six inches of snow on the ground, wasn't there? A. When?

Q. When you went to Tewksbury to get your daughter? A. Six inches of snow on the ground?

Q. About six inches of snow on the ground? A. I don't remember that there was any snow on the ground.

Q. Don't remember that there was any snow on the ground? A. No, I don't.

Q. Very well; now, your daughter was there and she had this baby, which you think was about a year and four months old, three months old, three or four, and she had no disease except weak eyes; is that correct? A. Was the baby with her in Tewksbury?

Q. I am not answering your questions. A. You say she went with the baby to Tewksbury?

Q. Wait a moment; when you went to Tewksbury on that occasion, your daughter was there with her child, and you say there was nothing the matter with her except she had weak eyes? A. With her child in Tewksbury?

Q. With her child in Tewksbury, and nothing the matter with her except weak eyes. A. I don't remember.

Gov. Butler. I think you and the witness have your minds on two different occasions.

Mr. Brown. I think you have got your mind on an occasion neither of us are thinking of.

Q. Now, you went to Tewksbury one afternoon for your daughter? A. I did, sir.

Q. And it was about half-past five in the afternoon that you got there, was it not? A. I disremember what time it was in the afternoon.

Q. You found your daughter there, whatever time it was, didn't you? A. Yes, sir.

Q, And you say that there was nothing the matter with her except that she had weak eyes? Is that correct? A. I don't remember to say so.

Q. What did she die of? A. What did she die of?

Q. Yes. A. My daughter?

Q. What did your daughter die of; what was the disease? A. They say, sir, that she died with consumption.

Q. With consumption? A. Yes, sir.

Q. But when you went there a few weeks ago she had nothing but weak eyes? A. A few weeks ago?

Q. When was it if it was not a few weeks ago? A. Where?

Q. Tewksbury. A. What time did they say?

Q. She died on the thirtieth of March, didn't she; the very day we commenced this hearing your daughter died? A. Yes.

Q. And how many weeks was it before that thirtieth day of March you went to Tewksbury to see her? A. I could not tell you.

Q. You could not tell? A. No, sir.

Q. How long do you think it was? A. I could not say, sir.

Q. When was it you went to Tewksbury and saw her there with nothing but weak eyes? A. I went to Tewksbury after my child, and her eyes was weak.

Q. When was that? A. I could not tell you; I could not tell you, sir.

Q. Can you tell within a year? A. How many years?

Q. Can you tell within a year when it was that you went to Tewksbury to see your daughter on the occasion when you say she had weak eyes? A. I can't; I can't.

Q. Can't tell; did you ever go more than once before she died? A. To see her?

Q. To Tewksbury to see her? A. I did, sir.

Q. Were you drunk on the second occasion when you went there? A. Not as I know of.

Q. Not as you know of? A. No, sir.

Q. If you were intoxicated you didn't know it? A. I suppose I would know it if I was.

Q. But you don't recollect it? A. I recollect well, because I was excited to think my child was sent to Tewksbury.

Q. Now let us see. A. For she didn't belong to Tewksbury by right.

Q. On the first occasion when you went there you saw your child and had a talk with her? A. I did.

Q. And you told them at the hospital you wanted to take her away? A. I did, sir.

Q. Now, will you tell the committee what preparation you had made for taking her away that night? A. For taking her away that night?

Q. Yes. A. For I didn't want her to stay there and I wanted her to come away.

[Mr. Brown interrupted the witness in her answer and the governor insisted that she should be allowed to proceed.]

Q. I want you to tell me, madam, what preparation you had made for taking your child away from Tewksbury.

Gov. Butler. I object; don't answer.

The Chairman. Wait a moment.

Gov. Butler. When I make a courteous objection that she be allowed to answer the question it is not easy for you to stop her.

Mr. Brown. An objection made on an occasion like that, you know perfectly well is not intended to facilitate the answer.

Gov. Butler. I ask that she be allowed, when a question is asked, to answer it. That is a privilege every witness has, that is all. You are not to follow one with another so quick as to confuse the witness, for that is not just.

The Chairman. Now, what is the question?

Mr. Brown. I want to know what preparation she had made for taking her daughter from Tewksbury on the occasion of that visit which she referred to when she found her there with weak eyes?

The Witness. I had a home for her with me.

Q. Where was it? A. What?

Q. How much money did you have in your pocket? A. How much money?

Q. Yes, when you got to the hospital? A. I disremember.

Q. Did you have enough to pay her fare back with you? A. I did, sir.

Q. How much did you have? A. I had, — I disremember how much I had, but I had plenty to pay her fare back.

Q. Now, madam, let me ask you this question, wasn't your condition such; that is, were you not so intoxicated that you had to be taken, after the interview with your daughter, and put to bed at the almshouse? A. No, sir.

Q. You were not? A. I was speaking to my daughter, and sat beside her, and she cried and says, "Mother, are you going to take me home?" "Yes, child," said I, "I will." Well, I brought her clothing, and brought her a warm shawl to take her with me, and clothing, and I met the Captain and he says, "You can't have her." I slept there that night.

Q. What did you sleep there for? A. Because I was belated for the train.

Q. Belated for the train; then, how were you going to take your daughter home? A. I was going to take her the next morning.

Q. Oh, the next morning? A. Yes, sir.

Q. Why did you ask the Captain to let you take her that night? A. I didn't know I was belated for the train till they told me; and I slept in Tewksbury that night.

Q. You were put in a room by yourself, weren't you? A. No, sir, I was not.

Q. Where were you put? A. I was put with the rest of the folks; the beds were all in a row, and I slept in a ward, as they call it.

Q. Now, when was this second visit you made to Tewksbury? A. The second visit I made to Tewksbury?

Q. Yes; how long before your daughter died was the second time you went to see her? A. I disremember, sir.

Q. You don't remember? A. I don't; I can't hardly think.

Q. Now, will you tell the committee where that home was you provided to take your daughter to on the occasion of your first visit to Tewksbury; where was that home, what street and number, what town or city? You disremember? A. I lived in Lowell.

Q. Where was this home you were going to take your daughter to? A. It was in Lowell.

Q. Whereabouts in Lowell? A. Whereabouts in Lowell? I think it was in Dracut, I believe the home was.

Q. Not in Lowell? A. No.

Q. Whereabouts in Dracut? A. Right near Mr. Parker's, in Mr. Parker's block, where I was going to take her.

Gov. Butler. That is in Lowell, but on the Dracut side of the river.

Q. Now, madam, do you recollect when your daughter went to Tewksbury the second time? A. No, sir; I wasn't here; I went to live with a family as cook, and when I came home I went to Peabody, — I have another daughter married in Danvers, — and I went there to see where Mary was, and they told me she was sent to Tewksbury.

Q. (By Gov. Butler.) The fourteenth of what month? A. I could not say when it was, for I was living with the family.

Q. He means the last time. A. The last time?

Q. (By Mr. Brown.) Yes; the last time. A. Where was she, did you say?

Q. I want to know when she went to Tewksbury the last time? A. I don't know, for I wasn't with her.

Q. Do you know about when she went there? A. No, sir; I disremember.

Q. Didn't she go to Tewksbury the last time on the twenty-first day of February, this present year? A. Yes, sir; I think so.

Q. And didn't she remain there till the thirtieth of March, when she died of consumption? A. She came out home with me.

Q. Just answer that question; didn't she go there on the twenty-first of February and stay till about the thirtieth of March, when she died? A. I was notified of her death.

Q. You made two visits to her between the twenty-first of February and the thirtieth of March, didn't you? A. Yes, sir; I did.

Q. I want to get at when the second one was; how long was it before she died? A. You can see by the despatch.

Q. That does not tell me how long before she died it was when you went there last. A. After I was there last before she died?

Q. When you made her the last visit before she died, what time was it; when was it? A. I went for my child, — that is four weeks ago to-day.

Q. That is the first time? A. No, sir; that was the last time; four weeks to-day.

Q. Now, madam, when you went to see your daughter the first time you say you had a home for her in Dracut? A. In Dracut?

Q. Am I correct about that? A. The first time?

Q. The first time you went to see her during her last sojourn in Tewksbury you say you had a home for her in Dracut; am I right? A. Well, I did say that I did have a home.

Q. Why did you tell Captain Marsh and the book-keeper if anything happened to her to telephone you at Malden? A. Malden? It was in Malden I did live.

Q. Then you didn't have any home in Dracut? A. Not at that time; but I did live in Dracut, and she lived in Dracut; and she lived at Mrs. Parker's, and I lived at Mrs. Parker's, both of us lived there; and she took care of Lottie, and I did cooking.

Q. But you did tell them to telephone you at the police station in Malden, did you not? A. No, sir; I did not; police station?

Q. If anything happened, where did to tell them to telephone? A. Malden.

Q. Telephone you at Malden: didn't say police station at Malden? Sure about that? A. I have forgotten I did tell them to telephone me to Malden, or send to me.

Q. Now, was there any reason why you should tell Captain Marsh or his book-keeper to telephone you at the police station in Malden if anything happened; was there any reason why you should do it? A. Police station?

Q. Yes. A. Why should I tell them? I didn't tell Captain Marsh, or any of them, to telphone to the police station.

Q. I ask, then, if there was any reason for it if you did? A. Not as I know of.

Q. Not as you know of? A. No, sir; what should I tell them to telephone to the police station for?

Q. Now, have you ever been confined yourself in any public institution in Massachusetts? A. In any public institution in Massachusetts?

Q. Yes. A. What do you mean?

Q. I ask you if you have ever been confined in any public

institution in Massachusetts: shut up for any length of time? A. Why, I disremember.

Q. You don't remember it? A. I disremember, sir: I am not able to speak.

Q. Why do you disremember, madam; why do you disremember a thing of that kind? A. I am not able to answer questions; I am not able.

Q. Not able to answer that question? A. I don't know, the way I feel.

Q. Now, tell me, madam, — that address on that telegram was the one you gave to Captain Marsh on the occasion of your second visit to Tewksbury to see your daughter, wasn't it? A. Yes, sir.

Q. You told him, if anything happened, to telegraph you under the name of Mrs. John Dolan, 201 Market Street, Lowell, was it? A. I didn't give the name to Marsh.

Q. You did to somebody? A. I did to Mr. Jewell at the city hall, for they said if anything should happen that they would notify him to notify me.

Q. They telephoned Mr. Jewell, didn't they, and sent a telegram to you? A. They sent a telegram to me; a telegram came.

Q. Now, the address on that telegram is the one you gave, isn't it, when you were there last? A. When I was there last?

Q. Yes. A. I do not know, sir.

Q. You don't remember? A. I don't.

Q. On the day when you went to get your daughter's body, in answer to that telegram, did you not meet in Tewksbury the overseers of poor from the town of Hingham? A. No, sir.

Q. Did not? A. No, sir.

Q. Did you have any conversation with anybody at Tewksbury, who represented that they were one or more of the board of overseers of the poor of the town of Hingham? A. I will tell you how it was, sir. When I went to Tewksbury to see my child, when I got that telegram that she was dead, I went up, and she was taken to the dead-house. There were four bodies more in coffins beside my daughter. I waited for the undertaker until he came to me. He showed me my daughter, and said I, "Will I get her body?" He said get a coffin and have the remains if I wanted to. I saw my daughter. They left me there with her about fifteen minutes. They asked me to know if I would take her. I said: "I have not the means to take

her now, but I will go to my other daughter, who lives in Peabody, and see what they can do for me." I saw my daughter and my brother. My brother was out of work, but he gave me seven dollars to get a coffin and take her to be buried just out of Salem, where our burying place was. I came back then, and I went to an undertaker in Lowell, on Market Street —

Q. Madam, let me call your attention to the fact that you are not answering my question. If you will be kind enough to stop and answer it I will be very much obliged? A. Well, yes, sir.

Q. My question is, whether you met anybody at Tewksbury, on the day when you went for the body of your daughter, who claimed or represented that they were the overseers of the poor of the town of Hingham? A. I had not seen them at all, sir, but they told me that they were there.

Q. Who told you? A. Mr. Marsh.

Q. Told you they were there? A. Yes, sir. When I asked for the child they said they took the child with them to Hingham.

Q. In other words, that before you got there that day, the overseers of the poor of the town of Hingham had been there and had taken away that child? A. Yes, sir.

Q. Have you ever been to see the child? A. Yes, sir.

Q. Since it was taken? A. Yes, sir.

Q. When was that? A. I was there last Saturday.

Q. This Saturday of last week? A. Yes, sir.

Q. Where did you see it; at the almshouse? A. At the almshouse, sir, well cared for; doing well by the child.

Q. You took your daughter's clothing on the occasion of your going there to get the body of your daughter, did you not? A. I took all the clothing I could get; I took a part of them.

Q. What part didn't you get? A. Well, there was a shawl and several other things that I didn't get.

Q. What kind of a shawl? A. It was a gray shawl. They said, the people around there, that it went off with the child.

Q. Went off with the child? A. Yes, sir.

Q. Anything else that you didn't get? A. I have forgotten. I suppose that the other things they put on her when she was dead; with the exception of what she was laid out in.

Q. And, with the exception of the shawl sent off with the child, you got everything? A. Yes, sir; I got them all.

Q. (By Gov. Butler.) You told me that before you went

up for your daughter the first time, you had hired a house in Malden? A. Yes, sir.

Q. And put your furniture into it? A. And put my furniture into it.

Q. Then you went up to Tewksbury after your daughter? A. Then I went to Tewksbury after my daughter, and I would not get her.

Q. Then they told you to go over to Lowell, to Mr. Jewell, and get a letter? A. And get a letter.

Q. Did you then stop at Lowell to work until you could get your daughter? A. I went to Lowell, sir, and I hired a room and came after my furniture. I took them there, had a room all ready, and came after my daughter again to Tewksbury.

Q. And they objected to giving her to you? A. I believe she was dead. No, she was not dead.

Q. Did anybody say to you — this you will remember — did anybody say to you at Tewksbury that you were drunk the first time you went after your daughter? A. They did, sir; they did, sir; they did, sir.

Q. And you were a good deal excited? A. I was excited, sir, when they said I could not have her.

Q. Well, were you at that time drunk? Were you in fact drunk? A. I was not, sir: I was not in fact drunk; but I will tell you the truth. I went into a woman's house — it was a cold day — and she says, "Are you going after your daughter, Mrs. Dolan?" The name of my second husband was Dolan. This is the man that had been in the Home. She was by my first husband, Pender. So, I said yes. Well, I did go, and they objected again to giving. They told me if I went to such a person they would give her to me. Well, I did: and I done everything that I could. Well, I must say that before I went there, — it was a cold day, — and this lady says to me, "It is rather cold," she says to me, "Mrs. Dolan," — that was my second husband's name; he was down in the Home, — "if you will take this it will try to warm you." Well, I did; and they said they smelt the liquor from me. And I had no objections to saying that I did.

Q. (By Mr. Brown.) Now, when this woman said, "Take this, it will keep you warm," what did she give you? A. What did she give me? She made some punch and gave it to me in a tumbler.

Q. Made some punch? A. Yes, sir, that was it; yes, sir.

Q. How many times did you partake of that punch? A. I took it once, sir.

Q. Did you take something with you on the train? A. No, sir, I didn't; no, sir, I didn't.

Q. Well, now I want you to tell me where in Malden this house was which you say you had furnished for your daughter on the occasion of your first visit? A. In Malden?

Gov. BUTLER. Furnished for yourself.

Q. (By Mr. BROWN.) For yourself and daughter, on the occasion of your first visit. Was it in Malden or in Dracut, where this house was? A. Well, it was not. I cannot tell. I don't feel well.

Q. Was it in Dracut, near Parker's? A. Near Mrs. Parker's.

Gov. BUTLER. This has been gone over with two or three times.

Mr. BROWN. Yes, and every time we have got it different.

Mr. CHESTER. I would like, for my own satisfaction, if she can remember, to know in what part of Malden she hired a room or house.

Q. (By Mr. CHESTER.) Where was it? Was it near city hall? A. No, sir; it was up from city hall; it was up in Malden; up near the upper depot.

Q. Near the Boston and Maine depot? A. Near the Boston and Maine depot.

Q. In that part of the place called Edgeworth? A. Edgeworth; yes, sir.

Q. What is the name of the man you hired of? A. His name was Crow.

Q. When was this? A. Well, that is as much as I believe; I have forgotten.

Q. What month? A. I could not tell.

Q. How long ago? How many months ago? A. It was before my Mary was taken sick.

Mr. CHESTER. I don't know how long ago that was. Can you tell whether it was one, two or six months.

Q. (By Mr. BROWN.) Is this the Mary that we have been talking about? A. Yes, sir.

Q. (By Gov. BUTLER.) How soon was it after you came from Maine? That will fix the date, because you have given us that date? A. My Mary was sick in May, and I came up from Maine with her.

Q. Now, just attend to my question, so as to save time. How long was it after you got up here from Maine and left your daughter on Chardon Street, that you hired this house in Malden? A. I disremember, sir; I know that it was not a great while. I disremember, sir.

Gov. Butler. If you will take the number of this daughter, because it may become important by and by, it is 67,185; and the correlative number is 63,342. That is when she was there before.

Mr. Brown. That is the number when she was there before.

Testimony of William Muller (*sworn*).

Direct examination by Gov. Butler.

Q. (By the Chairman.) What is the name of this witness? A. William Muller.

Q. (By Gov. Butler.) And your business, Mr. Muller? A. Tanner and currier.

Q. Where? A. Cambridge — North Cambridge.

Q. And you carry it on with your brothers? A. Yes, sir.

Q. Your name is William and the names of your brothers are Christian and Henry? A. Yes, sir.

Q. Henry is abroad now? A. Yes, sir.

Q. [Presenting a piece of leather.] What is that? A. That is a piece of human skin.

Q. Where was it tanned? A. It was tanned at our tannery.

Q. Tanned at your tannery; when? A. Between four and five months ago.

Q. Did you tan it? A. No, sir. I never saw that particular piece; I didn't know that they had that piece at the tannery.

Q. Didn't know they had that piece? A. No, sir.

Q. Were there other pieces? How many years ago were human skins tanned at your tannery? A. Well, there were some parts of human skin which came there inside of two years ago — within a year and a half.

Q. Within a year and a half or two years? A. Yes, sir.

Q. Were they tanned there? A. Yes, sir.

Q. Were they skins of white men, or negroes, or both? A. Both.

Q. One was a negro's and the other was a white man's? A. Yes, sir; part of each.

Q. What part? The parts here had nipples on. A. Yes, sir; I think so.

Q. And the arms on? A. Part.

Q. A part of a leg? A. Yes, sir.

Q. Now has there any human skin been brought to you for tanning later than five months ago? A. There was some brought there, I think, five weeks ago, which my brother refused to take. I gave strict orders never to accept anything of that kind; that would have been done the same if I hadn't.

Q. Some were brought there five weeks ago to be tanned. How many at that time? A. Well, only a part of a skin, I guess.

Q. Parts of how many? A. Oh, one.

Q. Who brought them there? A. I could not tell.

Q. Did you see them? A. No, sir; I was not at home. The two first ones were sent to my office here in Boston.

Q. You have a store here in Boston? A. Yes, sir.

Q. Any brought to your store in Boston? A. They were; the first ones.

Q. The first ones were brought to your store in Boston? A. Yes, sir.

Q. What is your branch of tanning? A. We tan most all — principally calf skins and alligator skins.

Q. That is, you are not a tanner of —? A. Sole leather or heavy leather; all light stock.

Q. And this is done in sumac? A. Yes, in sumac.

Gov. Butler. That is as far as I can go with this witness at present.

Mr. Brown. I have nothing to ask.

Gov. Butler. I will call another short one.

The Chairman. Short at both ends.

Q. (By Mr. Brown.) You don't know anything about that, — this particular piece? A. No, sir.

Q. You don't know anything about its being tanned in your tannery? A. I heard it was.

Q. You heard so? A. Yes, sir.

Q. You hadn't any personal knowledge? A. No, sir; not particularly about this piece; about the other pieces I do.

Q. The pieces that are not here you know about, and the pieces that are here you don't know anything about? A. Yes, sir; I brought them in, and delivered them myself.

TESTIMONY OF CHRISTIAN MULLER (*sworn*).

Direct examination by Gov. Butler.

Q. Do you carry on the business of tanning at North Cambridge? A. Yes, sir; we three brothers carry it on.

Q. You are one of them? The one who has been on the stand keeps the office in Boston, and you look after the tanning? A. The currying principally.

Q. [Referring to the piece of leather produced.] Ever see that before? A. Yes, sir.

Q. Did you tan that skin? A. It was tanned there; yes, sir.

Q. How do you know it was tanned there? A. I saw it in the works.

Q. Did you see any more? Ever see any other there? A. Yes, sir.

Q. How lately? A. Five or six weeks ago.

Q. How did those come there? A. Came there in the raw state.

Q. By express? A. No, sir.

Q. Who brought them? A. A student.

Q. Did you tan those? A. No, sir.

Q. Were they open so that you could see what they were? A. Yes, sir; I could see that they were human hides.

Q. How could you tell that they were human hides? A. Well, it looked something like it, that is all. I thought it was. It might have been.

Q. Do you know about it? A. It might have been something else; but I thought it was human hide.

Q. What part of a hide was that? A. Well, pretty nearly the whole of it.

Q. Of a man or woman? A. Woman, I think.

Q. That is very easily detected if you have that part that covers the mammæ, that covers the bosom; was that part there? A. Yes, sir.

Q. And that you refused to tan? A. Yes, sir.

Q. Now, do you remember those two skins brought a year and a half ago, or about that. A. Yes, sir.

Q. I forgot to ask whether this one brought, four or five weeks ago, was that of a white woman or of a colored woman? A. It looked kind of white; I could not say. The acid turns them, I suppose, when they dissect them.

Q. Can you tell the difference between a white man's skin and a black man's skin? A. Yes, sir.

Q. Well, was this a white woman? A. This was a white woman's skin, but it didn't look very white, you know.

A. I know; I understand that this don't look very white now. Who took away the skin five or six months ago? A. This young man that brought those came after them. The young man that brought these skins came after another and brought these.

Q. This is a piece you retained, evidently? A. I retained this; the rest of the skin he took away.

Q. You took this piece? A. I took that piece off.

Q. He took the rest of the skin with him five or six months ago. About how much of the skin was there that he took away? A. Well, he had some colored skin and some white skin. There were pieces of the arms, and pieces of the leg, and a body part; pieces — cut up into pieces, that was.

Q. And that was done at the same time with this? A. At the same time.

Q. And that he took away, and this you kept? A. Yes, sir.

Q. Any other skins? A. Yes, sir; there has been some sent out from the office here.

Q. How many of them? A. I could not say exactly how many pieces; they were all cut up in pieces.

Q. How many different occasions? A. I think it was two.

Q. Twice from the office. When was the first time? A. I could not say; it was a good while ago.

Q. We have heard from your brother of some a year and a half or two years ago; how much longer ago back than that? A. I could not say; I think about that time.

Q. Well, was there any before that? A. No, sir.

Q. What? A. No, sir.

Cross-examination by Mr. Brown.

Q. Do you say you know, or don't know, who brought the skins? A. I don't know.

Q. Don't know? A. No, sir.

Q. You say it was a medical student? A. A medical student.

Q. How do you know he was a medical student? A. He told me so.

Q. He told you so, and that is all you know? A. Yes, sir; a medical student, dissecting.

Q. What is that? A. He dissects; learning to be a doctor.

Q. But he didn't tell you at what medical school? A. No, sir.

Q. Whether in Massachusetts, or Vermont, or Maine, or New York? A. No, sir.

Q. (By Gov. Butler.) I thought you spoke of a medical school on some street? A. No, sir; I did not.

Q. (By the Chairman.) Have you any knowledge whatever where these skins came from? A. No, sir; I have not.

Adjourned until Wednesday, April 25, at 9 A. M.

SIXTEENTH HEARING.

WEDNESDAY, April 25.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The committee will come to order, a quorum is present and we are ready to proceed.

TESTIMONY OF CHRISTIAN MULLER (*resumed*).

Re-direct examination by Gov. Butler.

Q. I have a few more questions to ask than I had yesterday. You say you tanned these skins? A. Yes, sir.

Q. A year and a half ago. Did you curry them and dress them? A. I helped to do some of the work on them; yes, sir.

Q. Would you know them if you saw them? A. Yes, sir.

Q. Is that one? [Exhibiting a skin.] A. Yes, it looks like it.

Q. The other is cut up into shoes, but I guess you will know it, portions of it? [Exhibiting a shoe vamp.] A. It looks something like it.

Q. Any doubt about it? There is the nipple of the woman, isn't it? This is the piece it came from. Look and see about that. You have a vamp there; there is a quarter already to be stitched. This is getting to be an industry. There is the other quarter. There is the piece where it came out? A. Yes, sir; I tanned that.

Q. These are the two you tanned a year and a half or two years ago? A. No, sir; this was tanned later; that was tanned a long while ago.

Q. How lately was this tanned? A. That was the last we tanned; five months ago.

Mr. GILMORE. Mr. Chairman, if I understood this witness

yesterday, he didn't know anything about where these came from?

The WITNESS. No, sir.

Mr. BROWN. He now says he don't know.

Gov. BUTLER. And now says he don't know. If you will hold your admiration for a while I will show you where it came from.

The CHAIRMAN. Will your Excellency show that it came from Tewksbury?

Gov. BUTLER. I will show that it came from Harvard medical college, supplied from Tewksbury.

The CHAIRMAN. With the knowledge of the management at Tewksbury?

Gov. BUTLER. No, I don't expect to show that, except from circumstances.

The CHAIRMAN. It don't seem to me to be competent.

Gov. BUTLER. Pardon me, but this has been twice ruled upon.

The CHAIRMAN. I think so your Excellency.

Gov. BUTLER I am going to stop this industry if I can.

Mr. BROWN. Why don't you stop the tanning?

Gov. BUTLER. I am going to do so.

Mr. BROWN. Why don't you take some of the tanners in hand?

Gov. BUTLER. I never found it out until I looked up Tewksbury.

The WITNESS. We never tanned this for money.

Q. (By Gov. BUTLER.) Did you do it for love? A. No, sir; for accommodation.

Q. Accommodation of whom? A. Those parties that had it done.

Q. For the accommodation of men that you don't know? A. Yes, sir.

Q. Well, you are a very accommodating tannery there. You tan human skins for the accommodation of men you don't know. Do you tan any other kind of skins for the accommodation of men you don't know — alligator skins? A. No, sir.

Q. Calf skins? A. No, sir.

Q. Pig skins? A. No, sir.

Q. Then you only accommodate men you don't know by tanning this sort of skins. You receive them at your office in Boston, and send them over there and tan them for accom-

modation, without any pay? A. It is not a great pile; we have done it to see what we could do with it.

Q. You had seen what you could do with it two years ago? A. There was nothing done with it.

Q. Ah, pardon me. There is one missing; and don't flatter yourself that you won't hear about the other. And to see what you could do you have tanned the skin of a white man and of a negro? A. Yes, sir.

Q. That was evidently taken from the back, was it not? Now, let us see if we can see a piece more of that. [Producing other pieces of leather.] Are those two pieces of the same skin? A. I could not say that, sir.

Q. Nor I either. Very clearly they are not. This is taken from the belly or umbilicus? A. I could not say that, sir.

Q. You could not say that? A. I could not.

Q. Well, sir; was not that one of your tanning? Is not that the negro skin? A. I could not say, sir.

Q. This was a white skin, was it not? or was it a negro skin? A. I could not say.

Q. You cannot say? A negro skin, as a rule, is thicker than a white skin, is it not? A. I could not say.

Q. You have tanned them both and curried them both? A. There is not a great deal of difference, I suppose.

Q. I didn't ask you if there was a great deal of difference: I asked you if, as a rule, a negro skin was thicker than a white skin? A. Well, some parts of it, I suppose, would be thicker, and some parts would be as thin as the other.

Q. In a whole skin some parts would be thicker than other parts. A. We had only small pieces, and I could not tell just where they came from.

Q. I am not asking now just where they came from. I am asking whether the skin of a negro is not, as a rule, thicker than that of a white man? A. Yes, sir; the pieces I had.

Q. These skins, if I understand it, came from your office in Boston? A. Yes, sir.

Q. In the regular course of business, didn't they? A. Yes, sir.

Q. All right. And were tanned and sent back to your office in Boston like a skin of anything else? A. Sent back; yes, sir.

Q. That is to say, to your office as an alligator skin, a calf skin, or whatever may be brought in there to be tanned. And

then they send them over to the tannery and they are tanned, and then afterwards they are sent over to the office to be sold or whatever is to be done with them. That is the way of it, is it? A. Well, calf skins and alligator skins.

Q. Well, that is the way it is done with alligator skins, and whatever was done with this skin we won't say anything about now. Whether this came in the same way so far as you know? Whether this came to you in the same way that other skins do? A. It came out there — was put on our team and brought out there, and we put it in and tanned it.

Q. Now, why did you say you tanned this for accommodation? A. Because we wanted to take it as a curiosity and the party wanted it tanned.

Q. How did you know? Did the party come out to see you? A. Well, this is what I heard.

Q. So this is what you heard. Well, now, you see you must not believe all you hear, because after having tanned this woman's skin they evidently want it, not so much for a curiosity as for a pair of shoes. A. Well, that is what he wanted it for, I suppose.

Q. You don't know anything about it, in other words? Now, just be frank and answer. All you know about it is that that was sent out as other skins were sent out, and you tanned it, as you would any other, and sent it back? A. Not all of them. Part of them came from the office and the other part, some of it, came from the same place as that piece you had yesterday.

Q. All of them? A. No, sir; not that last piece.

Q. Very well. Then we have one more skin. Two came from the office a year and a half or two years ago? A. Yes, sir.

Q. Another one came directly to you? A. Yes, sir; from a student.

Q. And this is one of the two that came from the office? A. Yes, sir.

Q. A year and a half ago. And this thick piece, or this brown thick piece, came directly to your place? A. No, sir.

Q. Where did that come from? A. That came with it.

Q. That is the mate to that? A. I suppose so; I don't know.

Q. Who brought you this? A. This is what I had yesterday, that the student left. He gave me that piece.

Q. And he gave you that little piece I had yesterday? A. And he gave me that piece too.

Q. What piece too? A. This that is cut up.

Q. That is, he gave you the skin before it was cut up? A. No, sir; he gave me that piece there before it was cut up that way.

Q. I see. He gave you that for tanning? A. He gave me parts of it.

Q. And you tanned it and gave it to him? A. Gave it to whom?

Q. The student brought it to you, you say, to be tanned? A. Yes, sir; a few more pieces than that; and he gave me that piece, and he took some of it.

Q. He gave you the little piece I had here yesterday? A. Yes, sir; and that too.

Q. And this? A. Yes sir.

Q. Are you pretty sure about that? A. Yes, sir.

Q. Well, let us see. You didn't make this into shoes? A. No, sir.

Q. Don't you see there is where a shoe has been cut out? A. Yes, sir.

Gov. Butler. I got this — I am going to be fair with you — I got this from another entirely different place.

Mr. Brown. Are you testifying?

Gov. Butler. I am telling him so that he may not make a mistake.

Mr. Brown. I shall insist that if you are going to testify, you shall be put under oath.

Gov. Butler. Don't lose your temper.

Mr. Brown. No, sir; I do not.

Q. (By Gov. Butler.) Where did this come from? It seems you know more than I thought. A. Well, it came from Mr. Donaldson's. I gave it to Mr. Donaldson.

Q. Now, how do you know it came from Mr. Donaldson's? A. Well, I gave it to him, and I saw this same piece. I gave it to him before it was cut.

Q. You gave the whole you had to Mr. Donaldson, except this small piece we had here yesterday? A. That was not finished, — the small piece.

Q. Then you gave all the rest to Mr. Donaldson? A. Yes, sir.

Q. Who is he? A. He keeps a shoe store up on Washington Street.

Q. Where was he when you gave it to him? A. In his store.

Q. Was he accustomed to trade with you? A. No, sir: he is a friend of mine.

Q. Did you ever give him any other skin? A. No, sir.

Q. He was not a student? A. No, sir.

Q. Did you give him all this? A. It was all in one.

Q. And more, too? A. What there was of it.

Q. And more, too. Do you remember Mr. Donaldson's number? A. No; I have not got his card; I don't know his number.

Q. We have ascertained that this was a lady's skin, — a woman's skin. Does he keep a ladies' shoe store? A. No, sir.

Q. What kind of a shoe store does he keep? A. A gentlemen's.

Q. Now, will you swear you have seen that skin since you gave it to Mr. Donaldson? A. Did I ever see it since?

Q. Yes. A. No, sir.

Q. You gave it to him in his store? A. I have seen it there in his store, in his drawer, since I gave it to him.

Q. Now, a student, if I understand you, brought this skin? A. Brought that skin; yes, sir: and had it tanned, and more with it.

Q. And more with it? A. Yes, sir; pieces of it.

Q. And you took this and more of it, and gave him the rest? A. No, sir; he gave me that. The student took what he wanted, and gave me this.

Q. That is the way they used to do it up in New Hampshire; tan skins by halves. How near half did you get? A. Oh, I didn't get half; I only got these two pieces. He had about three pieces more, I think.

Q. He had three pieces more than you had, and that is the reason why. You had so large a proportion that you didn't charge him anything? A. Never charged anybody for anything like that.

Q. Did you get half of this? A. I had some little strips that I took off.

Q. Did you get half of the other, — the thick one? A. I took pieces off of it, — little pieces.

Cross-examination by Mr. Brown.

Q. You said that your brothers were in business with you. How many of them are there, and what are their names? A. There is Henry, and William and myself.

Q. Henry, William and yourself. How long have you been in business? A. Over four years.

Q. Over four years? A. In partnership. We have been in the business since we got old enough, for our father was in the tanning business.

Q. At the same place? A. Same place.

Q. Where is your brother Henry? A. He has gone to Europe.

Q. How long has he been gone? A. He has been gone, — I think it will be four weeks next Saturday.

Q. What has he gone to Europe for? A. On business, and so forth.

Q. I can understand the business; tell me what the and so forth means. A. Well, to sell alligator skins for the fall trade.

Q. Anything else? A. No, sir.

Q. You don't know whether this skin was the skin of a negress or of a white woman? A. I could not exactly tell now; no, sir.

Q. Do you know any way you could tell? A. Well, if I had the other pieces that came with them.

Q. Is there some mark by which you could identify it? A. No, sir.

Q. Well, you cannot tell it after it is tanned? A. You cannot tell it after it is tanned; no, sir.

Q. Take that piece of skin, that brownish color; I want you to tell me whether it is the skin of a negro or of a white man. A. That, sir, I could not swear to.

Q. What is your opinion about it? A. I could not say.

Q. Well, you tanned that personally, did you? A. Well, that with some others.

Q. Very well; now I want you to tell me in the process of tanning what you do with that skin. A. Learn you how to tan it?

Q. No, sir; I don't want you to learn me, but, if you can, tell me what you do; for I happen to know that you can tell a negro's skin after it is tanned. A. You cannot by the color.

Q. I want you to tell me what you do. A. Well, it went through the lime.

Q. That is the first, is it? A. Yes, sir.

Q. How long did it stay in the lime? A. Oh, until it was limed enough.

Q. How long did it take to lime it enough? A. More or less.

Q. Well, how long did that take? A. I could not say.

Q. About how long? A. It would not take over two weeks or three weeks.

Q. Then what did you do after you took it out of the lime? A. Then the lime has to be worked out of it again; washed out; worked out.

Q. Then what? A. Then it goes through something to soften it.

Q. What is it? A. Bran, shorts, etc.

Q. Then what? A. Then it is put into the liquid of the sumac, or whatever you tan it in.

Q. What was this tanned in? A. Sumac.

Q. Was this skin tanned in the same way? A. That had a little more sumac than the other.

Q. But excepting the quantity of sumac used, both these skins were tanned the same, were they? A. Yes, sir.

Mr. BROWN. Now, Mr. Chairman, I would like to have a piece of these two skins put into the hands of the committee for future examination.

Gov. BUTLER. Certainly. Take just such a piece as you want to have in the hands of the committee, and mark it with your initials.

Mr. BROWN. No; I don't put my initials upon skin, although I happen to have yours upon a piece.

Gov. BUTLER. Pardon me, I have been accustomed to mark pieces of evidence, whatever they are.

The CHAIRMAN. Just put a piece in an envelope.

Gov. BUTLER. If you don't choose to do it, nobody can complain. I had no hesitation in putting mine on.

Mr. BROWN. I perceived that the other day.

Gov. BUTLER. Certainly.

The CHAIRMAN. Call the next witness.

TESTIMONY OF MITCHELL WING (*sworn*).

Direct examination by Gov. Butler.

Q. Mitchell Wing — I have your name right, haven't I? A. Yes, sir.

Q. And where are you at work now? A. In Boston.

Q. In whose store? A. Edwards & Brackett's.

Q. What is their business? A. Hide and leather dealers.

Q. Did you ever see the skins that are here? A. I don't know that I did.

Q. Did you ever receive from anybody any skins that you believed, when you received them, to be human skins. A. I have.

Q. From whom did you receive them? A. From Mr. Muller, perhaps a year and a half or two years ago. I have nothing to tell the date by.

Q. How much would these pieces resemble them? A. I did not examine the skins except as to weight; I didn't unroll them.

Q. Well, they were large pieces, I suppose? A. Well, the bundle was perhaps three inches in diameter, and a foot and a half or two feet long.

Q. He came to you with them. What for? A. To deliver them to the party that asked me to have them tanned.

Q. Did the party come to you with the skins untanned? A. No, sir.

Q. How did you know who to deliver them to? A. The party requested me to get the services of a tanner to tan some skins for him, and I told him of this firm.

Q. Who was that party? A. Robert Faunce.

Q. Did you see what he did bring? A. No, sir.

Q. Did he tell you that he had some skins that he wanted to get you to send to your tanner and have tanned? A. Yes, sir.

Q. And did he tell you what they were? A. He told me; yes, sir.

Q. And he told you they were human skins? They were then untanned? A. Yes, sir.

Q. Did you carry them or send them out to Muller's? A. I had nothing to do with it.

Q. What? A. I had nothing to do with them; I neither carried them nor sent them.

Q. Well, he brought them there; what was done with them? A. Well, he probably sent them. I don't know. I gave him Mr. Muller's name.

Q. And they came back to you? A. They came back to me.

Q. And you delivered them to Mr. Faunce? A. I did.

Q. And that is all you know about it? A. That is all I know about it.

Q. Ever had any other such transaction? A. No, sir.

Q. Which of the Mullers was it who brought them to you? A. William Muller was the one I had the talk with.

Cross-examination by Mr. Brown.

Q. Who is this Faunce?

Gov. Butler. He will be the next witness.

Mr. Brown. But I want to know who is coming.

Q. Who is this Mr. Faunce? A. He is a doctor.

Q. A doctor. Where? A. In Boston.

Q. What is his address? A. His address is Springfield Street, fifty-eight or sixty.

R. H. Faunce (*sworn*).

Direct examination by Gov. Butler.

Q. What is your business, Dr. Faunce? A. I am a physician.

Q. I hold in my hand a pamphlet from the Free Hospital for Women, 58 and 60 East Springfield Street; a prospectus, etc.; reports, etc.; and I find the name here of R. H. Faunce, M. D., house surgeon. Is that you? A. That is me.

Q. How long have you been in this institution? A. Since the twenty-eighth day of September.

Q. Last? A. Last.

Q. Where were you educated, sir? A. Harvard Medical School.

Q. In what year? A. I entered the school in 1879.

Q. And your course would be three years? A. Yes, sir.

Q. And you graduated in 1882? A. Yes, sir.

Q. What time in '82? A. June 28.

Q. June 28, 1882? A. Yes, sir.

Q. Did you bring to the last witness on the stand, Mr.

Wing, two human skins, or parts of two human skins? A. No, sir.

Q. Who did, to your knowledge? A. I delivered them to a classmate of mine, and he took them to the office of this tanner.

Q. Who was this classmate? A. His name was Allen.

Q. Well, he had another name; what was that? A. I could not tell you: there were three of them in the class, and I don't know which one it was.

Q. You don't know which one it was? A. I cannot distinguish their first names.

Q. Where does he live now? A. I can't tell that.

Q. Where did he ever live? A. I don't know that.

Q. Where did he board when he was your classmate? A. Somewhere about the West End of Boston; I could not say where.

Q. You gave them to Allen? A. I did.

Q. Were they your skins or Allen's? A. Jointly.

Q. What? A. Jointly, his and mine.

Q. There were two of them, were there? A. Two what?

Q. Two skins. A. Parts of two.

Q. What parts, if you please; take your part, what was that? What part of the body did it come from? A. I think I had a piece off the breast and abdomen.

Q. Breast and abdomen? A. Yes, sir; and off of one of the arms to the elbow.

Q. Was yours the skin of a white or the skin of a colored person? A. Colored.

Q. What part was his? A. I think it was off of the back, and the back of the leg.

Q. Can you give me the date that that was done? A. I think it was November, 1881.

Q. As long ago as that? A. Yes, sir.

Q. You graduated June 28, — about five months before you graduated? A. I graduated in 1882.

Q. When did you get the skins back? A. Got them back in the following August.

Q. Where did you get them from? A. Mr. Wing brought them to me.

Q. He brought them to you? A. Yes, sir.

Q. You didn't go to his store? A. I did not.

Q. Did you pay him for them? A. No, sir.

Q. Did anybody? A. Not that I am aware of.

Q. What did you do with them? A. I haven't done anything with them; I have had them in my possession till last night.

Q. Is this one of them? [Showing it to the witness.] A. That is one of them; yes, sir.

Q. Is this a piece of the other? [Showing another piece to witness.] A. That is a piece of the other.

Q. Which was the white man's skin, or white woman's skin? A. I should say that one was [pointing to one of the pieces]: I could not swear to either of them being white; I don't remember.

Q. I thought you told me one was a white one? A. There was; but I couldn't tell whether this was it or not.

Q. Perhaps they got it mixed up in the stock and you couldn't tell. In your judgment whether that is not a colored person's skin, — the piece you have in your hand? A. I should think it was, as I remember it; I think this was a piece I cut off myself.

Q. You cut off yourself? A. Yes, sir, from a colored person.

Q. Did your classmate call for the other? A. He did not; no, sir; he —

Q. Where is it now? A. He called for it before it was done; I have heard nothing from him since.

Q. What has become of the rest of the other? A. I have it.

Q. Didn't the chief of police call to ask you for all you had? A. I gave him all I had here.

Q. Where is it now? A. It is in my home.

Q. That is where? A. In Sandwich, Massachusetts.

Q. Did you so inform Mr. Wade that the other skin was at your home? A. No, sir.

Q. Didn't he ask you if you had any more skins? A. He did not.

Q. Now, sir, where did you get that skin from? A. I got it from the dissecting-room of the Harvard University Medical School.

Q. Where did your classmate get his from? A. Got it from the same place.

Q. And during the three years that you were there did you know of other skins being taken by other students, or portions

of them? A. I never saw any other. I have heard it spoken of as being possible or probable; I have never seen any.

Q. Did anybody see you when you took yours? A. I don't know whether they did or not.

Q. Take any pains that they should not? A. I beg pardon?

Q. Take any pains anybody should not see you? A. I did not; no, sir.

Q. Openly taken? A. I took it out same as I took anything else that belonged to me.

Q. And your chum did the same; your classmate did the same? A. Yes, sir.

Q. You are a member of the Massachusetts Medical Society? A. Yes, sir; I joined the Barnstable County Medical Society last August.

Q. And that is one of the branches, isn't it? A. That is a branch of the Massachusetts Medical Society.

Q. This is a prospectus of your institution, isn't it? [Book shown witness.] A. Yes, sir.

JOHN T. WHITE (*sworn*).

Direct examination by Gov. Butler.

Q. You are a member of the district police, are you? A. I am, sir.

Q. Did you ever see these things I have here before? [Referring to pieces of skins.] A. Yes, sir.

Q. Were you sent after them anywhere? A. I was, by the chief.

Q. When? A. Yesterday.

Q. Where did you go? A. East Weymouth.

Q. Where at East Weymouth? A. At Donaldson's & O'Donovan's shoe factory.

Q. Shoe manufactory there? A. Yes, a small factory; custom factory.

Q. Did you ask for these things and did you get them? A. Yes, sir; I had an order for them.

Q. From Mr. Donaldson? A. Mr. James Donaldson.

Q. Were they in the condition you see them now when you got them? A. Yes, sir; these pieces were in a drawer, and these were on the bench, and some others. I don't see them all here, now; there was eight. These were in process of manu-

facture, as I suppose, on the bench; these [indicating others] were in a drawer.

Q. Those were already cut out on the bench and in the process of manufacture; they are skived, aren't they, — I believe that is the word, — these quarters? A. I don't know what they call the process.

Q. In order to make the quarter lie you skive down on the edge? A. Yes, sir.

Q. And you brought them here? A. I brought them to the chief.

FRANK E. HABERLIN (*sworn*).

Direct examination by Gov. Butler.

Q. You have the consumption, have you? A. Yes, sir.

Q. Did you serve in the war? A. I did.

Q. In what regiment? A. In the 156th New York.

Q. Did you get your disease in the service? A. I think I contracted it there.

Q. Have you got your discharge in your pocket? A. Yes, sir.

Q. When did you first go to Tewksbury, if you ever went there? A. In 1879; December.

Q. And how long did you remain there? A. I remained there till the next spring.

Q. And were you sick with the same disease you have now? A. Yes, sir; hemorrhage of the lungs.

Q. You came out then? A. For a short time; yes, sir.

Q. For a short time? A. Three weeks.

Q. And where did you find yourself, then? A. I went to the city hospital.

Q. Boston city hospital? A. Yes.

Q. And from thence you were sent back to Tewksbury, I suppose? A. I went back, sir, myself; yes, sir, I was sent back to Tewksbury from Pemberton Square.

Q. And in the fall where were you sent? A. I was sent to Bridgewater.

Q. But Bridgewater is a workhouse? A. Yes, sir.

Q. What did they send you to Bridgewater for? A. For to kill me.

Q. What? A. For to try to finish me.

Q. To try to finish you? A. Yes, sir.

Q. How long did you remain at Bridgewater? A. Six months.

Q. That would bring you to the spring of 1880? A. Yes, sir.

Q. You were then discharged from Bridgewater? A. Yes, sir.

Q. And you got Mr. Wrightington to send you to New York in order that you might get your pension? A. Yes, sir.

Q. How long did you stay in New York? A. Three months.

Q. Were you sick all this time? A. All this time, sir, I was in the marine hospital in New York at Bedloe's Island.

Q. Then the New York State agent said you didn't belong there and sent you back to Tewksbury? A. Exactly.

Q. Where were you born? A. I was born in Newfoundland; St. John's, Newfoundland.

Q. And you remained in Tewksbury up to what time? — this last time that you came back? A. This last time, I went out last spring, sir; somewhere near the first of May.

Q. When, do you say? A. Last spring; I left there about the first of May; somewhere in May.

Q. Have you been there, since, sir? A. I have.

Q. How long did you stay out? A. I stayed out till about the middle of July.

Q. Where did you go then? A. I went back to Tewksbury again.

Q. Go back or sent back? A. I was sent back from Pemberton Square.

Q. At your request? A. At my request.

Q. And when you went out last spring did you go and try to earn a living? A. I did, sir.

Q. Where did you go? A. I went down to Cape Ann.

Q. Gloucester? A. Gloucester.

Q. Ship aboard a vessel? A. I shipped on board the schooner Planet as cook; that is the only thing I could do.

Q. Did she sail? A. She did, sir.

Q. With you or without? A. With me.

Q. How long were you on board her? A. About two months.

Q. And then you were so sick that you had to give up? A. Yes, sir.

Q. And go back to Tewksbury again? A. Exactly.

Q. You left in the spring, and were out about two months or a little more, and that brings it up to last summer; then you went back to Tewksbury, — how long did you stay in Tewksbury? A. I stayed there until a week ago last Monday.

Q. And you came away voluntarily, then? A. Yes, sir, I escaped.

Q. You escaped? A. I was chased out of the gate by an officer, and he asked me if I had permission from the office for to take a walk. I told him yes. Well, he seemed not to believe me, because I told him a lie, of course; but, said I, "If you wish I will go to the office with you." "No, I will take your word," he says.

Q. You said, "I will go back with you to the office." and he said, "I will take your word?" A. Exactly.

Q. And then you came off? A. I came off.

Q. And what have you been doing for a living since? A. I have been peddling lead pencils.

Q. Did you get a license from the State? A. I haven't anything, sir.

Q. You could not, I might have thought, for you are an out of the State soldier; but you have been peddling pencils since for a living? A. Yes, sir, and it isn't a very good business.

Q. Now, Mr. Witness, tell the committee, if you will, — why did you want to escape? You were sick? A. Well, sir, I thought I would try to get out with my life if I possibly could.

Q. What? A. I thought I would try to get out while I had life left in me, to see if I could get a little stronger outside, get a little better food.

Q. Now, I want you to tell truthfully, as you will have to account for it, exactly what you have seen in Tewksbury. Do you know a man by the name of Thomas Kittredge there? A. Yes, sir.

Q. What was he? A. He was night-watchman in the hospital.

Q. I suppose you were a hospital patient, were you? A. I was.

Q. What have you seen Kittredge do to the hospital patients? A. I saw him do several things.

Q. Well, sir, tell them all, as loud as you can and as well as you can. A. I saw him pulling clothes off of men in the beds and asking if they had committed a nuisance, — clean men. They remonstrated, and he said he had a right to do it; he told

them he would paralyze them, and he would turn them into this, and into one thing and another; he would crack his breast and tell them he was there; that he ran that place.

Q. What sort of language did he use to them? A. Very foul language, sir.

Q. Very vile; profane? A. Profane; he would swear at almost everything.

Q. Have you ever seen him kick the patients? A. I did, sir.

Q. What? A. Yes, sir.

Q. How violently? A. I saw him one night; he jumped on a patient that was strapped down.

Q. That was what? A. The patient was strapped down; he jumped on him five different times. Then he went around at his head and he came down with his heel; I could not say what part of him he struck with his heel: on his face; some part of his face or head.

Q. What did he jump down with when he jumped on him; did he come down on him with his knees or his feet? A. With his feet, — with one foot, I think.

Q. Did you say that patient was strapped down? A. Yes, sir.

Q. What was the matter with that patient? A. He had delirium tremens; he is now a raving maniac.

Q. What? A. He is a maniac, now, at present.

Q. You say you saw him bring his heel on to the patient's face? A. On his face or head, I could not swear.

Q. Did this man have boots on at that time? A. He did, sir; boots or shoes.

Q. Do you know a man by the name of Walter Henning? A. Walter Winning.

Q. Of Lowell? A. I don't know, sir, where he belongs.

Q. Did he come there as an assistant to Horace Clements? A. Yes, sir.

Q. A nurse? A. Yes, sir.

Q. Now, did you see patients abused by these two? A. I saw Winning abuse patients very frequently.

Q. How abuse them? A. By kicking them and striking them.

Q. These hospital patients? A. These hospital patients.

Q. Any of them insane? A. Yes; one man, particularly, was insane.

Q. How many persons did you see him kick in that way? A. I couldn't remember the number, sir: a good many.

Q. What language did he use? A. Well, I didn't take any notice of his language; he never used any profane language.

Q. He didn't use any profane language? A. No, sir.

Q. Well, was Clements there at the time? A. Oh, yes.

Q. Did he interfere to prevent him? A. No, sir; he used to do the same; take a hand in it the same himself.

Q. He was doing the same himself? A. Yes, sir.

Q. In a little room off of the hospital were there two negroes confined? A. There was, sir.

Q. Was one a very old man? A. Very old man, bent double; yes, sir.

Q. Were they both demented; insane? A. Yes, sir; I would not speak for the old man. I think it was age. I think the old gentleman, — that it was age demented him, if he was demented; but the younger one, he was an imbecile.

Q. And the old man was pretty nearly imbecile, I suppose, from age? A. Just the same, sir.

Q. The young man was imbecile for some reason, and the old man was imbecile by age; they were confined in this little room, — how were they confined? A. There was two iron bedsteads there, and two mattresses there on them, — straw mattresses.

Q. Did the old man at one time, — I call your attention to a Thursday night, — do you remember the occasion when he soiled his bed? A. Of a Thursday night? No, sir.

Q. Well, at any time, do you remember when he soiled his bed? A. I think it was on a Sunday: first day of October.

Q. Last? A. Last, sir.

Q. What was done to him for that? A. I didn't see what was done to him, sir; but I could hear him hollering.

Q. Could you hear anything else; any reason why he hollered? A. I did, sir: that night I went up into the kitchen, that he was confined in a small room off of, and I asked one of the paupers — he was an assistant night-watchman — what the trouble was with him, and he told me that he had committed a nuisance in his clothes, and that they "warmed him," — those were the words, — and threw him back again into the bed in the condition in which he was.

Q. Did you see the old man? A. No, sir: I did not go to look at him then. He shortly after died, anyhow.

Q. Do you know when the old man was cleaned? A. On the next evening about five o'clock he got a bath.

Q. How do you know that? A. I was told so; I didn't see it.

Q. Now, I want to ask you: ever look into this room, or go into it? A. I did, sir: I worked in the kitchen before I got so sick I had to go to bed.

Q. This was off the kitchen? A. This was next the kitchen, sir.

Q. A door opened into the kitchen? A. Into the kitchen, sir.

Q. What was the condition of this room? A. Filthy; extremely filthy.

Q. Extremely fithy from what? A. From human excrement and urine.

Q. Was that kitchen in use? A. Oh, yes.

Q. It was where food was cooked? A. No; the food wasn't cooked there, but the dishes and what food would be left would remain there.

Q. This was a sort of outer kitchen? A. Yes, sir; where the men's food came in from the meals kitchen.

Q. Did you see this room more than once? A. Oh, yes; I cleaned it out myself, frequently.

Q. You say you did what? A. I cleaned it out frequently myself, when I worked in the kitchen, just for humanity's sake.

Q. Do you know a foolish boy there by the name of Murphy? A. Yes, sir.

Q. Idiotic? A. Yes, sir.

Q. State what performance was done with him one evening when the nurses and assistant nurses were all there? A. Oh, he was playing music on a harmonica; the night-watchman was assisting him with another one.

Q. Was he dressed up in any way? A. The night-watchman stuck him around with pieces of paper and promenaded him up and down through the ward.

Q. Put a paper cap on his head? A. No, sir; not at that time.

Q. Did he at any time? A. No, sir; I didn't see him.

Q. What he called a fool's cap, and parade him up and down the ward? A. That was in the middle of the same night, with another boy; the watchman promenaded him up the ward with a fool's cap on.

Q. And I suppose he paraded him up and down? A. I didn't see him parade him at all, sir, till I heard the noise.

Q. Do you remember what boy that was? A. I don't, sir; it was of a Sunday evening, anyhow; a Sunday night.

Q. Well, what was the result that night, when they dressed this idiotic boy up, and brought him into the ward? What happened then? A. I didn't see any results from it.

Q. What happened to a German one night, — I don't know as that was the same night or not? A. That was later the same night; probably about twelve o'clock.

Q. They brought him in? A. No, sir; but another one they had dressed up with the fool's cap on: he fetched him up to the German, to his bed, for to scare him when he was asleep.

Q. Fetched him up to whose bed to scare him? A. To the German's.

Q. When he was asleep? A. Yes, sir.

Q. Did it scare him? A. I don't know.

Q. What? A. I don't know, sir. I heard the hollering, and that is what startled me; I found out what it was.

Q. What happened then? A. I didn't see any more happen, only they went away laughing; it was a great joke.

Q. How soon after did the German die? A. I don't know, sir, as he is dead yet.

Q. Were there any bath-tubs in this room? A. There were two in a place we call the kitchen.

Q. Now, what did they use to do with one of them? A. One of them was generally used as a cess-pool for throwing the filthy water and other things into.

Q. Filthy water from what? A. From washing the wounds and sores.

Q. Did it run off or stay there? A. Oh, it ran off, sir.

Q. When they were washing the wounds and sores they washed the bowls, I suppose, and turned the filth into this tub? A. No! no!

Q. How was it?

Mr. Brown. I pray the judgment of the chairman. Everything this witness has stated has been suggested to him from the beginning to end, and all he has had to answer, substantially, is plain yes and no.

The Witness. I deny that, sir.

Gov. Butler. [To the witness.] Don't talk to him now.

To show how little use it was for me to suggest, to this very question he said, Oh, no, you have got it wrong.

Q. Now, won't you tell me what was turned into that bath-tub? A. This filthy water that sores and wounds would be washed in, venereal diseases, and other things.

Q. Then I was wrong when I thought they washed the bowls there? A. Oh, no, sir; there was a sink for washing the bowls.

Q. What? A. There was a sink for that purpose.

Q. Did you hear, at any time, any one of the patients there call for water when the night-nurse went for it? Did you hear that? A. No; I didn't hear any one call for water; but the night-nurse, the night-watchman, he wanted water for medicine for the patients, and there was none in the pail.

Q. Wanted water for medicine for the patients? A. Yes, sir; to mix with their medicine.

Q. Where did she get it? A. Where did *he* get it.

Q. Where did he get it? A. He got it from the man in the next bed to me.

Q. What? A. He got some from the man in the next bed to me.

Q. Where did he get the water? A. He had some in a tin can and gave him some.

Q. Did you ever see any dipped up from this place, from this bath-tub? A. No, sir; but the pail was filled that night out of it.

Q. How do you know that? A. Because I know there was no other place for him to get water in the kitchen. The water is all shut off early in the evening, and there is none to be had there. There are plenty of pumps out around, all around the yard, but none inside.

Q. He went in there to get water, and there was no other place to get it in the pail except this bath-tub or cess-pool? A. No, I don't mean the cess-pool bath-tub; there was another one that held the water during the day for washing those wounds.

Q. For washing those wounds? A. Yes.

Q. And from that the pail was filled full of water which was to be used with the medicine? A. Yes, sir.

Q. Now, when you found that out, did you complain to anybody about it? A. I complained to the nurse, Walter Winning.

Q. You complained to the nurse? A. In the presence of Dr. Lathrop.

Q. You complained of the nurse going to get this filthy water for the patient to drink, — this filthy water where the wounds had been washed, or the dishes that contained the washings of the wounds, — you complained to Dr. Lathrop; complained of the nurse in the presence of Dr. Lathrop; and what happened to you? A. I made an enemy of myself on account of it.

Q. You made an enemy on account of it: what was done with you immediately after? A. The watchman came that night and he wanted to beat me; to lick me; he wanted me to get out of that bed till he fought with me, and he abused me, and called me all the names he could think of.

Q. The watchman came to you that night and wanted to fight you? A. Yes.

Q. Did he strike you? A. He did not.

Q. He told you to get out of the bed? A. And then he would strike me, he said.

Q. Did you get out? A. Oh, no.

Q. Then what was done with you soon after? A. My little delicacies, whatever little privileges I had, was stopped.

Q. What? A. Whatever little privileges I had, little food, it was docked down from me.

Q. All your little privileges for food were taken from you. How soon were you put into another hospital? A. Very shortly, sir.

Q. What? A. Very shortly; may be, three weeks after that.

Q. I want to ask you about the case of John Maloney and Pat Maloney, I think: do you remember them? A. I do, sir.

Q. What was done to them: we will take John Maloney first? A. John Maloney was dying: he was prepared for death a week previous to this time: and Winning came to him for to made him walk from his bed up to a six-bedded room, — what they called a six-bedded room; there are six beds in it; it is up three or four steps on the opposite side from the kitchen, — and he told him he could not walk. He wasn't able to walk. But he insisted that he should walk and that he would walk, but the man couldn't walk. But they got him up there in some shape: they pulled or dragged him up someway, and in two hours he came out in his box.

Q. A week previous he had been prepared for death; by that, I suppose, you mean he had received extreme unction from the priest? A. Exactly; yes, sir.

Q. Death momentarily expected, and this man came for him and they took him and got him up into another room, and in two hours he came out in his box? A. Yes.

Q. He protesting he could not walk. Now, take the case of Pat Mahoney. A. Pat Mahoney is the man I referred to that they had strapped down.

Q. He is the man you referred to who was strapped down and jumped on? A. Yes, sir.

Q. I forgot to ask you whether Pat Mahoney died soon after? A. He is there yet, sir.

Q. He is there? A. When I left he was there.

Q. Do you remember a man by the name of Dunning who had been prepared for death? A. I do.

Q. After he had been prepared for death, what was done with him? A. Winning came for him and he wanted him to get up to have a bath.

Q. Wanted him to get up to have a bath; what next? A. He said he wasn't in no condition and he wasn't strong enough. He didn't wait for any more conversation: he snaked him right out of the bed.

Q. He said he wasn't strong enough, and then the watchman, — nurse, I thought it was? A. The nurse. Winning; the head nurse.

Q. Snaked him right out of the bed? A. Yes, sir.

Q. By what? A. By his hands; I don't know where he catched him.

Q. Where did he take hold of him? A. I don't know; I saw him, when he was passing me, where he had hold of him. He had hold of him by the back of the neck, when he was passing by my bed, and by the arm.

Q. After he got him out of the bed, what did he do with him? A. He rushed him down through the ward and the man screaming.

Q. How did he have him as he rushed him down through the ward by your bed? A. He had him by the back of the neck with one hand and had him by the arm with the other.

Q. And the man was screaming? A. He was, sir.

Q. Where did he take him to? A. Into the bath-room; into this kitchen where the two bath-tubs were.

Q. Was he bathed, do you know? A. I don't know, sir.

Q. You don't know; you were n't there? A. No, sir.

Q. Did you see him when he came back? A. I saw him tottering back with a hold on the beds; holding onto the beds along.

Q. He came along back without any help? A. Without any help; yes, sir.

Q. How long before he was dead? A. About thirty-six hours.

Q. What was the matter with Pat Mahoney? A. I don't know, sir; when he came in there, we all imagined he had delirium tremens. He was very quiet, very easy going; made no noise whatever, till they commenced beating him, and then he got outrageous.

Q. How long was he there before he died? A. He is not dead yet: that is, if he didn't die these last two weeks.

Q. Did you see Kittredge take anything to strike him with? A. I did, sir.

Q. What did he take? A. He took a chair.

Q. Did you see him kick him anywhere? A. I see him make two kicks, but it didn't strike him, at that time in the night.

Q. What? A. He kicked twice at him that night, but he didn't strike him; but it was later in the night when he jumped on him.

Q. Was that done in the presence of Dr. Otterson, one of the physicians? A. No, sir, it was not: the first part of the business was.

Q. The jumping on him was not in the presence of other officers? A. Yes, sir.

Q. But not when he took the chair? A. No, sir; Otterson wasn't there at all that time; it was Clements; Clements was handling him then.

Q. Anything else you think of that you can tell the committee? A. I don't remember anything else, sir, that I wish to speak of. I made a clean breast of it yesterday, as far as I could think.

Q. Now, sir, seeing such things, why did you go back there at all? A. I didn't go back there since I see them things.

Q. You cleared out, and haven't gone back: how lately did these things take place? A. They took place last winter. I never saw anything before equal to that.

Q. What? A. I never saw anything to equal that till last September; till these men came there; I never saw anything to equal that.

Q. Never saw anything so bad as that till last September? A. No, sir.

Q. When these men came there? A. The other gentleman that is there is a perfect gentleman, Mr. Smith; he is a perfect gentleman, sir; as kind as a father to the patients.

Q. (By the CHAIRMAN.) Who is that man who is so kind? A. Mr. Smith.

Q. What is his whole name? A. I don't know; he is there a number of years.

Mr. BROWN. The man that was referred to yesterday.

Gov. BUTLER. He says he was a first-rate man; a father to the patients.

The CHAIRMAN. I am glad to find there is one.

Gov. BUTLER. I join you, sir, in congratulations.

Mr. BROWN. The same man your witness described, yesterday, as having jumped on somebody.

Gov. BUTLER. No, sir.

The WITNESS. No, sir; he never jumped on any one, I believe.

Cross-examination by Mr. Brown.

Q. He never jumped on any one, did he? A. Mr. Smith never did.

Q. He wasn't that kind of a man; kind, patient, attentive, faithful man, wasn't he? A. A splendid man. I heard the testimony here yesterday, and, pardon me to contradict you, that man didn't say it was him.

Q. Was there any other Mr. Smith in the institution from the time you went there except this one man Smith? A. As an officer?

Q. As an officer, nurse, or anything of that kind? A. Not that I remember, sir.

Q. How many times have you been to Tewksbury as an inmate? A. Since I went there I may say I have been an inmate continuously.

Q. Continuously? A. Yes.

Q. Didn't you go there on the thirteenth of December, 1879, and didn't you abscond on the sixth of July, 1880? A. I did, sir.

Q. Didn't you go there on the twenty-eighth of July, 1880,

and were you not sent away again on the twenty-fifth of August, 1880? A. Yes, sir.

Q. Didn't you go there again on the third day of September, 1880, and weren't you again removed on the twenty-fourth of September, 1880? A. Yes, sir; removed to Bridgewater.

Q. Didn't you go there on the fourteenth day of May, 1881, and wasn't you again sent away on the twenty-seventh day of May, 1881? A. Exactly, sir; I went there for to be sent away. I couldn't get sent from Boston.

Q. Didn't you go there again the seventeenth of August, 1881, and remain there till the tenth day of May, 1882? A. Yes, sir.

Q. And went there again on the twelfth day of July, 1882? A. That was last summer.

Q. That was last summer? A. Correct.

Q. And you stayed there till, as you say, you ran away the other day? A. Exactly; that is correct.

Q. Now, will you give me the name of any person who saw either of these acts of cruelty to which you have referred, besides yourself? Give me the name of any human being who saw any of these acts of cruelty? A. I could not give you the names.

Q. Could not? A. No, sir.

Q. And yet the hospital was full of people, wasn't it? A. Exactly, sir; but I couldn't tell who would be looking at that time or who would not, or who would be paying attention. It was impossible for me to tell.

Q. But you had conversation with some of these people in regard to these matters, didn't you? A. Oh, many times.

Q. You can now tell with whom you had conversation, can't you? A. Oh, yes.

Q. Now, give us the name of one person with whom you had a conversation in regard to any one of these acts of cruelty? A. Edward Toner.

Q. How do you spell it? A. I don't know, — T-o-n-e-r, I should say.

Q. And was he an attendant or a patient? A. A patient.

Q. Give me again the name of that person who you say saw one of these acts of cruelty, and with whom you conversed. A. Edward Toner.

Q. What was the act of cruelty which you say he saw and about which you and he conversed? A. Several.

Q. Name one. A. I could not name any particular one.

Q. Could not name any particular one? What was the conversation that you had with Toner? A. About these acts of cruelty.

Q. What acts of cruelty? A. That were committing there continually.

Q. That were committing there continually; can you name one that you talked with him about? A. No.

Q. Cannot? A. No.

Q. When did you talk with Toner about these acts of cruelty? A. Last winter.

Q. That is this winter past? A. Yes, sir.

Q. Where were you at the time? A. In the same ward with him.

Q. In the same ward with him in the hospital? A. Yes, sir.

Q. Now, you can neither remember the particular thing you talked about, nor can you fix the time more definitely? A. No, sir.

Q. Now, does that exhaust your recollection in regard to what passed between you and Toner with reference to acts of cruelty? A. Oh, we have had several conversations.

Q. Yes; you told me that. Now, was there any other person? A. Yes.

Q. Whose name you can mention in that connection? A. Fifty.

Q. Commence and name one. A. John Burns.

Q. Was he an inmate? A. Yes, sir.

Q. Where is he now? A. He is there still.

Q. He is there still? A. If not dead.

Q. And what was the act of cruelty that you talked with him about? A. All of them.

Q. What? A. No particular one.

Q. No particular one? A. No, sir.

Q. Just generally? A. Generally.

Q. About what took place at the institution? A. What was taking place at that same time.

Q. Now, sir, did you ever, while in the institution, — except in the instance which you have referred to when you complained to Dr. Lathrop, — did you ever make a complaint to anybody else? A. I never complained to Dr. Lathrop.

Q. Well, you referred to Dr. Lathrop in connection with a

complaint which you made. A. Dr. Lathrop was present when I made the complaint to the nurse.

Q. With the exception of that complaint, did you ever make complaint to anybody else? A. I did not.

Q. Did you ever call the attention of Mr. Marsh — either the father or either of the two sons — to anything of the kind? A. That was impossible.

Q. It was impossible, — why? A. They were out of my reach.

Q. Out of your reach, — why out of your reach? A. I could not see them.

Q. Could not see them, — why could you not see them? A. Not except I was able to get out of bed and go to the office.

Q. Were you always at Tewksbury in the condition so you could not get out of bed and go to the office? A. Oh, no; but I had no occasion at that time.

Q. You had no occasion? A. No, sir.

Q. In other words, these acts of cruelty that you have referred to are confined to the last visit which you made to Tewksbury, which commenced last July and ended a few days ago? A. Exactly.

Q. Now, sir, if I understood you a little while ago, these things have all taken place during this past winter? A. Yes, sir.

Q. Since the last fall election? A. Since last September.

Q. Now, the same nurses have been there on each of the occasions when you have been in the institution, have they not, in your ward? A. No.

Q. What nurse has been in the ward since you first went there in December, 1879, who was not there when you left a few days ago? A. Rollins.

Q. Any other change that you recollect? A. Mr. Smith; he had charge of the old men's ward, at that time, in another part of the institution; he is there still.

Q. He is there still? A. He has the same charge, sir.

Q. Now, is there anybody who was a nurse in the place where you were confined at any time when you were there, who isn't there now? That is what I want to get at? A. No, sir, there is; Rollins is not there.

Q. With that exception all those men who were there when you went there in 1879 are there now? A. There is none of them there but Smith.

Q. Oh, all changed, have they? A. There was no change but Rollins, that I am aware of; there was changes, one going and coming, continually.

Q. Now, won't you explain to this committee why it is that on the occasion of your last visit to Tewksbury these very same men whom you had no occasion to complain of before, were cruel and abusive in their treatment of you and others? A. Never saw them men before in my life till then, — yes, one of them I saw, Clements, but not the others.

Q. Not the others? A. No.

Q. I don't know as I understand you; won't you be kind enough to tell me who were the nurses in the hospital where you were when you were there in December, 1879; from December, 1879, to July, 1880? A. The nurses in the hospital in 1879, when I was there, was Mr. Rollins and an assistant. Those were the nurses, — the assistant's name I don't know. I only remained there five days in that hospital. Mr. Rollins had me put out for refusing to get into a filthy bath-tub where there was three men with venereal diseases been before me, and I refused to get in there.

Q. You refused to get in? A. I did, sir; decidedly.

Q. And when was that? A. That was in 1879, as you speak of it.

Q. 1879? A. Yes.

Q. And that was Mr. Rollins? A. Mr. Rollins wished for to toss me in, or his attendants there wished to toss me in, but I wasn't quite so feeble then as I am now; there was none of them there able to toss me in.

Q. Now, you didn't think of that when you were testifying in your direct examination, did you? A. I did not, sir; I didn't refer only to what happened during this last fall and winter; that is all.

Q. Now, you say you were in the One Hundred and Eighty-Sixth, New York? A. The One Hundred and Fifty-Sixth.

Q. The One Hundred and Fifty-Sixth, New York; and where was your regiment? A. We was on Roanoke Island; Banks's expedition.

Q. Roanoke Island, — you mean Banks's expedition on Roanoke Island? A. Yes, sir.

Gov. Butler. Whose; Banks's expedition?

Mr. Brown. Don't you interrupt the witness.

Gov. BUTLER. Don't you mislead the witness, for you ought to know better. I object to that.

The CHAIRMAN. The Red River campaign.

Gov. BUTLER. The Red River, New Orleans, and up the valley.

Mr. BROWN. It is very kind in you to instruct this witness.

Gov. BUTLER. He ought not to be misled, that is all; don't tell a thing to the witness that isn't true.

Q. I want to know if you stated that you were in Banks's expedition on Roanoke Island? A. I think I did.

Q. That is what you stated, and that is what I understood you. Now, when was that expedition of Banks's on Roanoke Island, because the Governor and I want to know?

Gov. BUTLER. No, I don't.

A. In '63, I believe.

Q. Your regiment was there, was it? A. Part of it.

Q. What companies were there? A. There was A, B, C and H.

Q. You belonged to H? A. I belonged to Company A.

Q. Where were the other companies? A. I don't know.

Q. You don't know? A. No, sir.

Q. Who commanded your company, A? A. Company A, Capt. Vaughn.

Q. How long did you serve in the One Hundred and Fifty-Sixth? A. About three months.

Q. What was the date of your enlistment? A. Could not say, sir; it was some time in November.

Q. November, 1863? A. '62.

Q. November, '62, and you served three months; what was the occasion of your discharge? A. The occasion of my discharge was a lame breast.

Q. Growing out of what? A. The stroke of a rifle.

Q. Where did you get that? A. I got it in camp.

Q. Where was your camp? A. Roanoke Island.

Q. Now did you ever serve anywhere except on Roanoke Island? A. Yes, sir; I did.

Q. Where? A. On Governor's Island, N. Y.

Q. How long were you on Governor's Island? A. About three months.

Q. Was that before you went to Roanoke Island? A. After.

Q. When was that service on Governor's Island? A. I was detailed for duty while I was there.

Q. You spoke about being at Bedloe's Island? A. That was a year ago last summer.

Q. What was the occasion of your being at Bedloe's Island? A. I went there as a sick sailor. I am a sailor man, I want you to understand.

Q. Have you any family? A. I have, sir.

Q. Where is it? A. I have one daughter in Boston.

Q. Have you any wife? A. No, sir.

Q. Now, were you an enlisted man under the name of Frank Haverlin? A. Francis Haverlin.

Q. Francis and not Frank? A. Well, there is a little difference in the spelling; that is the short for it, isn't it?

Q. Did you ever sign your name, Haberlin? A. That is the way I always signed it.

Q. H-a-*v*? A. No, *b*.

Q. And that is the way your name would appear on the muster pay-roll? A. Yes, sir.

Q. And that is the way you signed it? A. Yes, sir.

Q. In the One Hundred and Fifty-Sixth New York, Company A; never was in any other company? A. No, sir.

Q. (By Gov. BUTLER.) Was this the Banks expedition, or the Burnside expedition, on Roanoke Island? A. Upon my word, you have catched me now; I could not exactly say; I might have made a mistake. It is a long time ago. My mind, with all the rest of my powers, is failing.

Q. (By the CHAIRMAN.) Did you say it was in November, 1863, that you enlisted? A. 1862.

Q. Who was the colonel of the One Hundred and Fifty-Sixth New York at that time? A. Col. Cook.

Q. Do you know where the regiment went after it was at Roanoke Island, as you say? A. I don't know.

Q. Do you know whether the regiment went to Louisiana? A. I should not know where it went; I was sent back to Governor's Island, invalided.

Q. Do you know whether it went to Louisiana? A. I don't know, sir.

Q. You were not with it? A. No, sir.

Q. Now, up to last September, you say you were kindly treated? A. Yes, sir.

Q. Enough to eat? A. No, sir; never had enough to eat.

Q. Do you call that kind treatment? A. Well, I was not aroused around, or hounded around.

Q. But didn't have enough to eat? A. I got a little better than the average pauper, because I was generally a hospital patient.

Q. You got a little better than the average. Did you get enough to drink? A. Plenty of water at the pump.

Q. Did you get enough to wear? A. No, sir. My clothes were filthy, and I wore my own clothes for three years until they grew filthy, and the sleeves of my coat were fagged out clean up to there. [Indicating.] I went to the Captain, and he asked me where I was; I told him, and he told me to keep indoors. I waited until Mr. Sanborn came there. He came there afterwards with Dr. Lathrop. I spoke to him, and he asked me how long I was there, and what my disease was, and he listened to me; that was the last I heard of it.

Q. You said you had your discharge papers in your pocket? A. I have not, sir.

Q. Where are they? A. My discharge papers I put into the hands of a lawyer, Huntington Lee, Esq., 245 Broadway.

Q. Did he get a pension for you? A. He did not.

Q. You have no pension? A. He is dead. I was there — Mr. Wrightington sent me there two years ago; I was going to endeavor to get a pension.

Q. Did you fail? A. I failed to get it, and his brother was in the office, and he failed to find my papers; he could not find them; they were lost.

Q. (By Mr. Mellen.) When did you give them to him? A. I gave them to him after my discharge in 1863.

Q. (By Mr. Brown.) That is after being discharged from the army in 1863? A. Yes, sir; exactly.

Q. During this year you gave this man, Huntington Lee, Esq., your papers? A. Yes, sir.

Q. Never called for them again until last year? A. I did.

Q. When? A. The last time when I was in New York. He was always going to do something, or there was to be a law passed, or he was going to Washington to-day or to-morrow. I got sick of it, and I came on to Boston; I married here, and remained here. I wished to join the Grand Army, and wrote for my papers, and it was his brother who answered me — Herbert E. Lee.

Q. (By Mr. Putney.) I understood you to tell Mr. Brown on your cross-examination that you had made your escape from this institution two or three times? A. No, sir; I had never any occasion to make my escape only this last time; every time I was sent, except once, and then the officers told me I had better leave.

Q. So this last time was the only time you absconded? A. Exactly, sir; every other time my fare was paid to Boston, and I came with other persons.

Q. Now, you said in your testimony that you absconded to get away while you were alive? A. I did, sir.

Q. What had happened to you to make you think that you ought to go away? Was there any danger of your life if you stayed there a few days longer? A. I thought I would starve to death. I was removed from the hospital where I was getting anything such as milk or steak, or anything like that — I was removed for reporting the night watchman last winter about the water; I was removed into Mr. Smith's; that was the convalescent ward, where there is nothing more than a man gets on the farm, in the shanty, or anywhere else.

Q. This Mr. Smith is the man you spoke of as being very kind? A. Very kind indeed; always so. He is the only gentleman, I consider, in the place.

Q. (By Mr. Mellen.) What danger of starving under his care? A. There was nothing I could eat, sir; my stomach was not strong enough to eat that food.

Q. I see. That was the regular diet for all paupers.

Gov. Butler. He was convalescent, and everybody in the convalescent ward is supposed to be well.

Q (By Mr. Putney.) You were down in the shanty? A. No, sir; I could go there if I wished. I was, for a while, in with Mr. Smith; I was in his hands in the small end of the hospital. The dispensary divides the hospital. There is one end considerably longer than the other end. Mr. Smith has charge of the short place, and Mr. —— of the other.

Q. (By Mr. Mellen.) Did you ever enter a complaint to anybody? A. I complained to Mr. Sanborn after my treatment; I never knew of a man speaking to him but me, and it was said if I spoke to him I was sure for Bridgewater.

Q. Why did they so say? A. Because the authorities there didn't want to be interfered with about the internal arrangements of the place.

Q. It would not be Mr. Sanborn who would send you there, but the authorities of Tewksbury? A. Capt. Marsh; exactly.

Q. Because of making a complaint? A. Exactly.

Q. Do you know of anybody who was sent because they complained to Mr. Sanborn or to any other person? A. No. sir; I do not.

Q. Why was that said? A. I don't know.

Q. (By the CHAIRMAN.) Will you describe the daily ration you had at the time you were there, when you were afraid you were going to be starved to death? Give the ration, now, just as you had it? A. In the morning you would get coffee; but if it was a chemist who came there, he could not tell whether it was tea or coffee.

Q. Never mind the chemist; tell what you got? A. Well, we got coffee and bread.

Q. How much bread? A. Oh, as much as you could eat.

Q. Good bread, was it? A. Well, yes; it was.

Q. Usually good bread? A. Yes, sir; but it was very dry.

Q. So that all you had for breakfast was coffee and bread. Now pass to the dinner? A. Certain days different food. Dinner on Monday would be two or three slices of salt beef.

Q. What else? A. Bread and water.

Q. Anything else? A. Nothing else. Oh, yes; there was boiled rice.

Q. Now pass to the supper? A. Supper, tea and bread.

Q. The same kind of bread? A. Exactly.

Q. Now take Tuesday? A. Tuesday, fresh fish for dinner, or fresh bones, whichever you wish. There was the same breakfast, and supper the same.

GOV. BUTLER. He was describing the beef, and the chairman didn't hear him.

Q. (By the CHAIRMAN.) Now pass to Wednesday? A. Pea-soup for dinner.

Q. Plenty of it? A. Plenty of it; not plenty of peas though; you could not see a pea.

Q. Now take Thursday. What did you have for Thursday? A. Thursday, beef-soup — fresh beef.

Q. Plenty of it? A. Plenty of it, sir — the same quality as the pea-soup.

Q. Did you say the beef was poor? A. No, sir; the beef seemed to be good enough.

Q. (By Mr. PUTNEY.) Not much of it? A. Plenty of beef, plenty of beef; it was cut off of the shanks; you could see the veins running through it; everything gristly.

Q. (By the CHAIRMAN.) Tell us about Friday? A. Salt pollock.

Q. That was for dinner? A. For dinner.

Q. Plenty of it? A. Oh, yes, sir.

Q. Pass on to Saturday? A. Saturday, beef-soup.

Q. Plenty of that? A. The same kind as Thursday, sir.

Q. What did you have on Sunday? A. Baked beans, mixed with peas.

Q. Plenty of them? A. Plenty of them.

Q. Did you ever have any potatoes? A. Yes, sir.

Q. When? A. Potatoes on fish days.

Q. No other days? A. No other days.

Q. Now, why did you ask to be sent back to Tewksbury? You said you asked once to be sent back. You stated so to the Governor? A. Oh, yes; I went to Pemberton Square, because I had no other place to go to.

Q. You asked to be sent back to Tewksbury? A. I asked to be sent back to Tewksbury.

Q. Tell us when that was? A. It was no later than last summer.

Q. (By Mr. MELLEN.) Now, about your diet; if you were a healthy man, and strong, and your stomach in a normal condition, there would have been no danger of your starving to death? A. Oh, no, sir.

Q. The whole trouble was that your stomach was weak; you were sickly, and were unable to eat the average diet of the institution? A. Correct, sir.

Q. So you had to go without, because the kind furnished was not suitable, is that it? A. That is it. A strong man could live there.

Q. But a sickly man could not? A. No, sir.

Q. (By Gov. BUTLER.) Why could not a sickly man live there? A. Because the food is not delicate enough.

Q. What? A. The food is too rough.

Q. Now, about the soup; how was the soup, thin? A. It was thin, like soldier's broth; it was thin and even.

Q. Both the beef-soup and the pea-soup? A. The pea-soup

you could see the bottom of the dish just as easy as if there was no soup in it, and you could see the sediment in the bottom.

Q. And the beef-soup you say was made of shank-pieces? A. Yes, sir

Q. And bony? A. No, not any bones.

Q. I know; but cut from the bones? A. Yes, sir.

Q. (By Mr. Mellen.) What are you doing at present? A. I am going around trying to sell pencils and make something to live on.

Q. Have you any friends in Boston? A. I have no friends or relatives in Boston to-day, and it is discouraging business. I am not able to walk.

Q. Hardly able to walk? A. Hardly able to walk: it took me as much as an hour to get up over these steps and up over the Common.

Q. You get no assistance from the city or State? A. No assistance from the city or State.

Gov. Butler. He cannot get any assistance from the State.

Q. (By Mr. Mellen.) Will you go back to Tewksbury? A. No, sir, I never shall; I will go down on one of the docks and say, good by, God Almighty, and take a spring.

Q. (By Mr. Brown.) I understood you to say you had a daughter here in Boston? A. I have, sir.

Q. Where does she live? A. She lives at 190 Bolton Street, South Boston.

Q. What is her name? A. Her name is Mary Ellen Haberlin.

Q. She is unmarried? A. Unmarried.

Q. How old is she? A. She is about sixteen years old.

Adjourned until Thursday, April 26, at 9.30 A. M.

SEVENTEENTH HEARING.

THURSDAY, April 26.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. The committee will come to order. We are all ready, Governor.

TESTIMONY OF DR. G. A. TUCKER (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. Tucker, where do you reside when you are at home? A. Sydney, Australia, New South Wales.

Q. Were you accredited to the various states — A. Governments.

Q. To the various governments to examine into the insane system of the several governments? A. Yes, sir.

Q. What experience have you had with insane business? A. I have been twenty-five years superintendent of various institutions.

Q. What examination have you made in this country? A. I have now visited all the asylums in this country — State asylums — but five, most of the private, and a number of the county asylums.

Q. And those five are in what State? A. Four in the next State, — the State of Connecticut. — and one in Portland, Oregon, that I could not see.

Q. You came to me for credentials for leave to visit the asylums in this State; when, do you remember? A. I think about three weeks ago; yes, sir.

Q. Before or after this investigation commenced? A. That I really could not say. It was the second of April, the date of the authority.

Q. The second of April you got the authorization. Have you visited all the State asylums in this State? A. I have.

Q. Among others did you visit Tewksbury? A. I did.

Q. About when? A. Last Friday week.

Q. That would be a fortnight ago to-morrow? A. Yes, sir.

Q. Who was with you when you visited it, if anybody? A. Dr. Pope, one of the trustees of the institution, and a young lady friend. Probably I may not mention the young lady's name.

Q. A young lady friend of the doctor? A. A friend of mine.

Q. Dr. Pope may not be known to all the committee: she is a lady? A. She is a lady.

Q. She is one of the trustees. Now, doctor, I knew, I heard that you visited the institution and I sent you my summons. I want to know exactly what you found there. You are about to leave the State and country? A. I was prepared to leave yesterday before I received your summons, which has placed me at some inconvenience, of course.

Q. I want you to tell us, in a perfectly impartial way, exactly what you found the condition of the insane to be: what objections, if any, you found to the system of treatment there: and I want you to tell all the good and all the bad you found, if any bad or any good you found. Now state it in your own way —

The Chairman. Will you wait one moment? I don't understand where the doctor resides.

The Witness. Sydney, New South Wales, Australia.

Gov. Butler. Accredited to this government. I find a large number of credentials.

The Witness. I can produce them if you want them.

The Chairman. No matter about them. Now, doctor, go on.

The Witness. I visited the asylum portion of the almshouse on the afternoon of Friday week, and saw every portion of it. I found it remarkably clean and orderly throughout. Its cleanliness was a marked feature. The first room I was shown into I found forty-one women seated around the walls, around on seats, without any occupation or amusement, and without any attendance save that of a man. I found, I think, three or four in seclusion and two in restraint.

Q. In what? A. In restraint. Wristers strapped upon one and one fastened to her seat. In asking why the restraint was exercised, I was told that the patients were violent. Prior

to that I was given to understand that the patients were quiet and demented cases.

Q. Won't you repeat that? I didn't get it. A. I was informed, prior to my seeing the patients, that they were all quiet, or demented cases. I found there two hundred and sixty patients. On going into the basement floor, I found a number of patients alone One of those was fastened to her seat, and with wristlets. They were unattended. On inquiring of the attendant, or the attendants, from the first room, I was told that the attendant was out on leave, leaving her husband in charge. On further inquiry, I found that there were three married people, that is three men and their wives, and one unmarried person, a female, in charge of two hundred and sixty patients.

Q. (By the CHAIRMAN.) That is, six persons? A. That is, seven persons. That is all that I saw.

Q. (By Gov. BUTLER.) Did the doctor accompany you? A. The doctor did accompany me.

Q. Doctor who? A. Dr. Lathrop.

Q. Did you call the attention of the trustee to the fact that there was no female attendants with all these people? A. I did; and the insufficiency of attendance.

Q. What? A. And the fact of there being insufficient attendance.

Q. What excuse did Dr. Lathrop give, if any, for not having more attendants? A. I don't remember that Dr. Lathrop gave any excuse at all; but Dr. Pope assured me that the funds of the institution would not provide more attendants. I then pointed out, as a matter of opinion, that the cost, that is, the salary of these seven attendants would, in my opinion, at the same rate that I had found to be paid to attendants in other hospitals, provide for at least eleven female attendants, which would then be an insufficient number for two hundred and sixty patients.

Q. (By the CHAIRMAN.) One hundred and sixty, or two hundred and sixty? A. Two hundred and sixty; I beg your pardon. The patients, I should say, were, in appearance, clean, and tidily and neatly dressed.

Q. (By Gov. BUTLER.) When you went in there, were they all sitting around in this place? A. They were ranged around on the walls, without any occupation or amusement, with the exception of two. I found two, in a little room off the main sitting-room, repairing clothes, with scissors open, — two or

three pairs on the table before them. I called Dr. Lathrop's attention to the scissors as being improper among patients, and recited to him that a superintendent in my own country had been stabbed by a patient and killed by a pair of scissors, and suggested that, for the safety of the patients and attendants, the attendants alone should carry scissors. As I said before, there was no attendant but a male attendant present.

Q. What I want to call your attention expressly to is this: were any of these people walking about as they would be if they hadn't been set up for show? A. Set up for show, your Excellency? That, I cannot tell you anything about. There were some few, very few, who were moving at all. They were sitting as demented cases will sit if not entertained and occupied. That is, they become simply animal existences, or vegetable existences, — animal existences.

Q. Now, I observe, you spoke of husbands and wives. Do you think that an improper classification, — if I may use that word, — of attendants? A. I think it is so improper that a man should be left with woman insane patients, that I remarked the fact at once to Dr. Pope; and I may add that I have never found such a case in any institution in the United States, save one, and that was in Salt Lake City.

Q. That might happen from their peculiar relations there? A. I might add, as a matter of opinion as well as of practice, that men are not usually allowed in contact with female patients. Women, on the other hand, are beneficial in male wards as a soothing and corrective influence; but I doubt whether that would apply to male attendants in female wards, particularly when the male attendant is left alone. I should object, and it has been objected to by authorities, on the ground that a man and his wife may do many things that it would be for the interest of one or the other to keep from the supervision and superintendence.

Q. Now, doctor, I observe you speak of restraint. That is, being manacled, being chained down or tied down, — whatever it may be, — although you had been assured that they were all demented patients, and none were violent. Will you tell me whether, according to your experience, such restraint is necessary? A. If you will allow me, I will leave out my own experience and quote the experience I found in the United States.

Q. Very well. A. I have found many institutions in the United States where restraint is unknown, and from the sur-

roundings and the attention I might say devoted to the patients, as much as seventy per cent. are employed; the employment and the surroundings with amusements taking the place of restraint. Of course restraint is a mooted matter in the treatment of insane. Some say it cannot be done without, and others argue that it can be done without, and I might quote instances where it has been done without, even at your criminal institution at Auburn in the State of New York.

Q. That is where they are criminally insane? A. That is where they are considered the worst class of patients to deal with, and there is no restraint there.

Q. Now, will you tell me whether, in a well-ordered insane institution, anything like beating, or clubbing, or kicking, or punishing insane patients is allowed? A. No, sir; not in any well-organized institution. But I would not like to be understood that there may not be and are not well-organized institutions where the superintendence is efficient in every respect, where the supervision and superintendence is excellent, and at the same time restraint may be used. I would not like it to appear that I would say that asylums are badly managed because of restraint.

Q. No, I don't mean restraint merely. I had passed that. You don't quite get the drift of my question. I mean simply punishment like beating or whipping? A. There is no such thing attempted in the treatment of the insane as punishment. Insane people are, and usually should be considered, as sick people or invalids.

Gov. Butler. We don't punish even for murder here, I want you to understand, doctor, by our courts, an insane person.

The Witness. I might say, in answer to that, that I think some of them are punished.

Q. Why? A. By a life-long existence in a lunatic asylum as a criminal. That is punishment in my estimation, sir, where the surroundings are not equal to the circumstances.

Q. Whether or not, doctor, there is anything objectionable in mingling the criminal insane with other insane people? A. Undoubtedly.

Q. State why. A. It dwarfs the management of the institution of proper supervision. It associates the criminal with the afflicted, and in most cases I have found where criminals are associated with the afflicted, that they are left almost entirely and hopelessly to themselves without any surroundings, without

any occupation or amusement. I lay stress on that because that is a means of cure, and the most prominent.

Q. With insane people without employment or any amusement or any occupation, how large a percentage of cures, comparative percentage of cures should you expect, less or more? A. A very small percentage.

Q. A very small percentage? A. A very small percentage. I might, if you would allow me, illustrate that by stating that in some institution I found twenty-nine patients in a corridor with ten seats only; no other article of furniture, nothing else to occupy or attract their attention. And too often it is the case that the attendants in large institutions are unsupervised and spend the greater portion of the time in their rooms and not in attendance upon their patients.

Q. (By Mr. BROWN.) I didn't understand where you said that was. A. I said that I had seen it.

Q. (GOV. BUTLER.) You say the mingling of the two dwarfs the management. Why? Wont you explain that a little? A. Superintendents and officers usually believe, reasonably believe, that there is a greater amount of risk attending the attendance and supervision of the criminally insane patient; consequently they are surrounded with more restraints in the way of bars, locks and such like, and as I said before, left without that amount of occupation and employment that they should have under other circumstances, or would have, in my opinion, in a jail.

Q. Well, now, I would like to put that very question to you, brought to my mind here now. Have you been into any of our jails? A. Yes, sir; some.

Q. You have seen some of them? A. I have.

Q. Now, where do you think the criminal insane would be better off; in the insane hospital with the attention they get there, or in some of our jails with the treatment they get there? A. Under present circumstances, sir, in a well organized jail. But the modern idea of criminal insanity is that it should be treated in a a special hospital.

The CHAIRMAN. Governor, do you refer to one of our ordinary hospitals or to the hospital for the criminal insane? Do you mean to ask whether they would be better off in our common jails or in our common insane hospitals.

GOV. BUTLER. Yes, sir; I think so. I don't know what the doctor thinks.

The WITNESS. I think they would be better off, sir, in a well-organized jail, where they would have more supervision, more open-air exercise. They are debarred now very largely from that. Some, I have been told, are rarely out of their wards at all. Some I have found in seclusion, — reported to me to be in seclusion the greater portion of the time; and that is not calculated to advance their recovery or to reduce their excitement.

Q. Suppose a large number of insane people are together and an attendant should beat some of them, what effect should you expect that to have upon the rest: whether it would make them more excitable? A. Yes, sir; more excitable; and surely, in most cases, should that occur, the patients are capable of judging to a large extent, and will feel that they are oppressed and ill-treated.

Q. And that excites them? A. That excites them and worries them.

Q. If there is anything that occurs to you, doctor, that ought to be stated about this institution at Tewksbury, in justice to it, please state it. A. I would lay great stress on the fact of male attendants being with female patients. That is one of the great drawbacks to the institution that I noticed. The next, of course, is the matter of restraint, which I consider unnecessary, even with violent patients, much less with others; and the next that I remarked was that it appeared to me that the superintending physician was not thoroughly aware whether the patients were under restraint or in seclusion; for this reason: that in passing through I found several of the doors closed and asked what the rooms contained, or whether they were bedrooms. He then turned to the attendant, who was accompanying us, and asked if any one was in seclusion. That was sufficient for an old superintendent to know that seclusion and restraint might be exercised without knowledge on the part of the superintendent. That is one, I may say, of our arguments against the use of restraint. When I say our arguments, I mean that in British or Colonial institutions we have no restraint; and our argument against the use of restraint is the placing of the power in the hands of attendants to use it.

Q. Unsupervised? A. Yes, sir.

Gov. BUTLER. I am much obliged to you, doctor.

Cross-examination by Mr. Brown.

Q. I want to ask you again the date of your visit. A. I think it was on Friday week last.

Q. A week ago Friday? A. Yes, sir. I did not take the date, but I was in New York last Friday, and I think it was a week ago Friday that I visited this institution.

Q. Will you tell me whether you notified any of the officers of the institution of your proposed visit. A. Certainly not.

Q. You did not? A. No, sir.

Q. When you walked up from the depot on to the grounds, so far as you know, there was no one present charged with the management of the institution who had any knowlege of your approach? A. I believe that, sir.

Q. You are wholly unacquainted there? A. Unacquainted.

Q. You had never seen any of the persons in charge? A. No, sir.

Q. There was no one with you who had any knowledge of the institution except Mrs. Pope, one of the trustees? A. I cannot say that, sir. The young lady who was with me, I don't know whether she had ever visited there or not, but she had some previous knowledge.

Q. Was she a young lady who came with you from abroad? A. No, sir; she is a native, a resident of Boston. I would not care to name the lady in open court, but I will give you the name.

Mr. Brown. Very well; I would like to have it.

[The witness gave the name to counsel.]

Mr. Brown. I understood very well who it was.

Q. Was your attention directed to Tewksbury on account of anything this young lady said to you? A. Not in the slightest.

Q. Was it directed to Tewksbury on account of anything Mrs. Pope said to you about the institution? A. No, sir: I never met Dr. Pope until that afternoon.

Q. Now, was your attention directed to the institution in consequence of anything which you heard in regard to this investigation? A. No, sir.

Q. Had you read in the papers the reports of testimony taken in this investigation, prior to your visit? A. I had, sir; some portions of it.

Q. Now, doctor, you have been twenty-five years, I think

you said, charged with the treatment of the insane; and, if I understand you correctly, from your appearance and your conversation, you are a gentleman who has been educated a physician. Where were you educated? A. In Australia.

Q. Have you ever studied in Europe? A. No, sir.

Q. England, Scotland, Austria, France? A. No, sir. I am a legally qualified practitioner.

Q. Now, are you familiar with modern thought upon the subject of the treatment of the insane, as discussed in the leading medical journals upon that subject published in Austria, France, Germany, England, Scotland? A. All those translated into English; yes.

Mr. Brown. You understand, doctor, I ask you these questions, not because I doubt your ability, but because I want the gentlemen present, and everyone who reads your testimony, to know what opportunity you have had for coming to the conclusions which you will probably express.

Q. Now, you are familiar with the discussion which is going on in Europe and in this country in regard to what is called the cottage system of treatment of the insane, I suppose. A. To some extent; yes, sir.

Q. Now, of course, in the examination and inspection of an insane hospital for the purpose of informing your judgment and making your experience of value, I suppose you consider it important to examine into all parts of the institution, — the medical department, its hospital department, its cooking department; the manner, means and apparatus with which bathing takes place, what clothing is furnished, — all these different things, would you not? A. Yes, sir.

Q. Now, when you went to Tewksbury —

Gov. Butler. He has not answered.

Mr. Brown. Yes; he said yes.

Q. Now, when you went to Tewksbury, did you have in mind all these various subjects with a purpose to investigate them and inform your judgment? A. Of course I had, sir; that was to form a part of my investigation. I am to report to my government on the form, structure and other matters in connection with the institutions for the insane.

Mr. Brown. I am glad you made that remark, because, of course, that will show the understanding you are exercising, and the great care and accuracy used in collecting your information, and will be an equal credit to you and to your government.

Q. Now, I want you to tell me what you found in the cooking department at Tewksbury. Tell me first as to the quality of the material which you saw there ready to be manufactured, or prepared, as food. A. The only portions of the almshouse that I visited, other than the insane portion, was the office, — that is, the general office, — and the cooking apartment. I tasted some of the tea, and I tasted some of the bread, and I believe that was all of the cooking that I saw. Those two articles I saw no objection to.

Q. Didn't you find the bread to be of a superior quality? A. Equal to anything that I have seen in any other institution.

Q. Now, as to the tea. A. Well, the tea; I cannot say that I am any particular judge of tea, but I think I remarked at the time that it would be a little better stronger.

Q. Now, Doctor, I want to test my own judgment, and for use hereafter, to have you give me the exact locality in Australia where your institution, over which you have charge, is situated. A. I have no charge at the present time, sir.

Q. Where you have had charge? A. I have had charge of various institutions; one in Victoria, others in New South Wales; and I may state that I have been offered the charge of our largest institutions. Two years ago I was called upon by the government of Victoria to inspect their institutions and report upon them.

Q. Now, I want you to tell the committee, doctor, as nearly as you can, what, at Victoria, for instance, would be the mean average temperature from the first of May to the first of November? A. I could not tell you that as definitely as you put it. I think our glass rarely falls below 35, and possibly it rises to 114.

Q. So that during that period there would be that change? A. I am taking it for twelve months. Our periods are different from yours.

Q. That is, Fahrenheit, thirty-five would be the lowest and one hundred and fourteen would be the highest? A. The highest, yes, sir; that is, in Victoria, New South Wales.

Q. Now, tell me this, when the thermometer, at meridian, would stand at 114, what would be the temperature at midnight? A. That depends entirely upon whether there has been a hot wind during the day, or during the past two or three days. The

temperature there then is the same, very nearly, at midnight, in some parts of Australia, as during the day.

Q. Take Victoria; of course I don't expect you to state accurately, but according to your best judgment and experience is all I ask — A. You must bear in mind, sir, that for three days and three nights we are subject to extremely hot winds in Victoria, and possibly bush fires, which would raise the temperature very considerably. And during these hot winds and fires, in the temperature in the day and night there would be very little difference.

Q. Now, leaving that subject, will you tell me what hour in the day it was when you visited the insane hospital? A. I think between four and five o'clock; somewhere about that time; say three and five, somewhere between those hours. It was in the afternoon.

Q. Perhaps you can fix it by telling us when you came back? A. We came back on the last train, I think.

Q. The six o'clock train. Now, did you go to these other departments before you visited the hospital for the insane, or did you go to the insane hospital first. A. To the insane hospital first.

Q. Now, who went with you to the insane hospital besides the young lady and Mrs. Pope? A. Dr. Lathrop.

Q. And where did you meet Dr. Lathrop first? A. At the office.

Q. You were introduced to him and then walked directly over? Now, these rooms that you speak of, were they rooms which were from appearances intended for cells or something of that kind, or was it simply a room arranged in order that one patient might be secluded from another. A. They were ordinary sleeping-rooms used as seclusion rooms.

Q. Now do you know, doctor, whether when you called upon Dr. Lathrop to know who was in there, whether he had the exact information as to what was going on in that room? Whether or not there might not be some bathing going on, and that he knew it to be going on? A. No, sir; I cannot tell what Dr. Lathrop knew. I can only say, as I said just now, that he referred to the person attending us and inquired whether the room was occupied.

Q. Now, doctor, you say that the remarkable feature of that institution was its cleanliness? A. That is so, sir; it is as clean as any institution I have visited in the United States.

Q. How would it compare with the institutions in Australia? A. Possibly more remarkable still; probably in excess of our cleanliness.

Q. Now I want to ask you this: did you make investigation to ascertain the character and classification of those patients? A. I did not, sir. I was simply told they were chronic cases sent to the almshouse from other institutions; and I was handed also a report — I haven't it with me — wherein I think it states that such is the case, the only difference being that in some cases a person in the almshouse is transferred on account of coming to them without being a pauper.

Q. That is precisely what I wanted to get at, doctor, whether when you were making your visit there, completing your inspection, you had knowledge that these people gathered together at Tewksbury were selected as chronic cases — A. Yes, sir.

Q. From the large institutions of the State and sent to Tewksbury because they were incurable, and as a natural concomitant the worst cases that could probably be found in the Commonwealth — you were informed of that —? A. I was informed that they were quiet, chronic cases.

Q. Then that being the case, doctor, you would hardly expect that the average condition of an inmate, at Tewksbury, so far as mental capacity, ability to take care of himself, to observe what was going on, to be influenced by the ordinary conditions which surround a human being in domestic life — you would hardly expect those patients to be up to the average of what you would find in the other institutions of the Commonwealth, would you? A. Well, sir; that of course is very largely a matter of opinion. You will find in the chronic classes persons capable of employment, persons capable of pleasures and enjoyment. For instance, in Tewksbury, some — I cannot name now the number — there was some who asked that they might have books.

Q. Well, now, doctor, I want to put this question to you and introduce a sort of an illustration. Tell me if, from your information which you gathered in Massachusetts as to Tewksbury, this is not a fact: that the insane hospital at Tewksbury is what you may call a sort of cess-pool to all the other insane institutions of the Commonwealth? A. Well, sir, that I will answer in this way; that I suppose the chronic cases are drafted from other institutions there, very much the same as they are

drafted from the State institutions in New York to the chronic institution in that State.

Q. And you understand that all these people are paupers? A. That I supposed to be the case from their being in the almshouse.

Q. You spoke of the attendance upon these females, and I want you to tell me what you consider a fair average; that is, what is a fair and suitable number of insane patients, under ordinary circumstances, for one competent person to take charge of? A. It is generally supposed, sir, that ten, in the ordinary run of patients, — that is, one attendant to ten patients; but with such patients as I saw there, well, possibly one to fifteen would do. But I am speaking of one to ten in ordinary institutions.

Q. And that average would not change whether they were male or female? A. No, sir.

Q. But your idea is if they are female patients the attendant should be female, and if they are male patients the attendants may be either male or female, according to the judgment and discretion of the physician in charge? A. Pardon me, sir; I think I may explain that in this way: that where there are female patients undoubtedly females alone should be in charge; that is, as attendants. But I have seen in many of your institutions, such, for instance, as that in Norristown, Penn., where in the men's wards there are female attendants; these female attendants having the general supervision of the order and cleanliness of the wards, which, from various reasons, I believe to be an advanced idea in the treatment of the insane. I believe it is beneficial to the men in those wards to be associated with females.

Q. Tell me why you think so? A. There is a soothing influence, I believe, wherever a woman is concerned; and moreover, in nine cases out of ten of the hospitals you will visit, you will find the female side in a cleaner and better condition than you will find the male side; for this reason, that the male attendants are less in the habits of household duties; they are less able to place little comforts in position around the wards and to do many things to elevate and raise the mental condition of the patients that a woman may always do. And I have also seen in your institutions the very best results where there are female attendants.

Q. Now, is your opinion upon this subject so fixed and irrev-

ocable that from what you know about Tewksbury and the insane who are there, and of their treatment, that you would say that it would be a highly improper thing for a male attendant to participate in the management of a female ward at Tewksbury? A. Undoubtedly, sir; that is my opinion, fixed, — that no male attendant should be in charge of female insane.

Q. Well, now, let us see. What percentage of the profession who have made this subject a study do you think agree with you? A. Well, sir, that is a matter of opinion. I might express my opinion from the experience of the superintendents of the United States, and I should fancy that they would all agree with me.

Q. Have you visited the institution at South Boston? A. I have.

Q. Have you visited the institution at Taunton? A. I have.

Q. Have you visited the institution at Northampton? A. I have.

Q. Have you visited the institution at Danvers? A. I have.

Q. Have you visited the institution at Worcester? A. I have.

Q. Do you mean to say that in none of those institutions men are employed as attendants in female wards? A. To the best of my knowledge and belief there are not any.

Q. Then, if you found the institutions throughout the State, except at Tewksbury, — if you found in the institutions throughout the State, except at Tewksbury, that men were not in charge of female wards, and it was brought to your information that the institution at Tewksbury was under the same general Board of Health, Lunacy and Charity, would you infer —

Gov. Butler. To that I object: not only because that is not a fact to be put in, but the Board of Health, Lunacy and Charity has not that control.

The Chairman. I suppose he can put it as a supposition.

Mr. Brown. I suppose I have the right to put a hypothetical question without regard to any correspondence which has taken place between His Excellency the Governor and the Board of Health, Lunacy and Charity.

Q. Then if you found the institutions throughout the State, except at Tewksbury, — if you found in the institutions throughout the State, except at Tewksbury, that men were not in charge

of female wards, and it was brought to your information that the institution at Tewksbury was under the same general Board of Health, Lunacy and Charity, would you then say that the gentlemen in charge of this institution might not be quite as well informed as to what ought to take place at Tewksbury as you now are? A. I would not like to express any such opinion with regard to the gentlemen in charge at Tewksbury.

Q. In other words, if you found that the same board of general management did not allow males to take charge of females at Taunton, Danvers, Northampton and Worcester, and if you found that the same general board of management did permit it at Tewksbury, you would infer that there was reasonable and justifiable cause for it, should you not? A. I scarcely think, as a matter of opinion, that I should, because my opinion, as I said, would be so fixed upon that subject that I should not allow any reasonable opinion against it.

Q. In other words, you are like the rest of us; we are so settled in our opinions that we don't allow facts to influence us? A. I beg pardon; as regards facts, show me the fact where it is evident that a man is a proper person to attend on female lunatics and I will admit the fact.

Q. If you understood the full history of these two hundred and sixty patients, would you say that there was nothing in their history which would justify the employment of male attendants? A. I would say so, sir. And it recurs to me now that during my visit, when I asked in regard to male attendants, I was told that the female attendants could not control them, or something to that effect; showing that it was thought necessary to have men control.

Mr. Brown. That is precisely what I was getting at.

The Witness. That, I believe, I was told. But still that does not alter my opinion.

Q. So that after you left the institutions, and came to reflect upon your visit, you saw that whoever had charge of it had considered that subject, and had done what, in their judgment, seemed best: whether that was wise or otherwise you won't now consider, but such was the condition of your mind? A. I can say it was the condition of my mind, or the condition of facts as I found them. I did not reason whether they could do it differently, because I think I pointed out at the time that different arrangements could be made not increasing the pecuniary expenses of the institution.

Q. Now I want you to answer this question: if it is necessary to have a man in attendance upon a female ward, is there any better arrangement, which you can think of, than to have that man the husband of one of the female attendants? A. I would answer now in this way: that if it is necessary for a man to be in attendance in a female ward, then I cannot conceive that any better man than the female attendant's husband should be there: but I have already stated I cannot conceive of the necessity.

Q. Do you think the fastening of an insane patient, under any circumstances, in one position, is justifiable? A. I do not, sir.

Q. Why not, sir? A. It degrades and demoralizes the patient; it degrades and demoralizes the attendants. Speaking for myself, I do not find it necessary: and speaking of other institutions, they do not find it necessary. I can show you an institution at Tuscaloosa, in the South, where seventy-five per cent. of the patients are employed, and there is no restraint.

Q. Doctor, do you know what percentage of those two hundred and sixty patients you saw at Tewksbury are regularly employed? A. I do not, sir.

Q. You didn't see any indication that they were ever employed, did you? A. Nothing more than I have already stated.

Q. Didn't you know that it was a fact that within ten or fifteen minutes before you entered, those people had come from their regular employment? A. I was not aware of any such fact.

Q. Would you think, having in mind what you saw, the appearance of the patients, the mental conditions of any of those patients, as you saw them and had opportunity of observing them, would you say that it was improbable that those people, within half an hour previous to the time you saw them, had been engaged in some useful employment? A. Of course I could not express an opinion about that. I might say that the patients there are mentally and physically capable of employment.

Q. That many of them are? A. Many of them are.

Q. I suppose there are some who are not? A. Possibly.

Q. Now, I want you to tell me, doctor, what, within your experience, you find to be the best means of repressing, — per-

haps I had better use that word, — an insane patient who is belligerent, malicious, apparently active, and bent upon mischief? The best means I have known adopted is seclusion.

Q. Seclusion? A. Yes, sir; but you will allow me to qualify that, please.

Mr. Brown. Certainly.

The Witness. Seclusion under those circumstances means seclusion with regular light in accordance with the excitement of the patient.

Q. When you say seclusion, you mean confinement in some secluded place? A. I do.

Q. Very well. Now, supposing that patient to be of such character that he or she would tear off their clothes, how would you prevent that? A. By a strong dress.

Q. Is that an uncommon occurrence? A. Not at all.

Q. How frequently have you seen that phase of insanity where a patient tears its clothes and hair? A. It is scarcely possible to tell you, because that is a very frequent phase, and it has to be met in many ways.

Q. How frequently do you find insane patients who have no regard for the proprieties of life. A. That is very largely the case; very often the case, I might say.

Q. Now, in such cases, in vicious cases of that kind, what is your treatment? A. A suitable dress for the occasion, sir, and occupation; out of door exercise.

Q. I refer to the cases in which a patient has no regard for the proprieties of life, and will perform the duties of nature without regard to propriety. In such cases, what is your treatment? A. A suitable dress, and the constant supervision of an attendant.

Q. Now, in your judgment, which would be the better, treatment in seclusion under suitable circumstances as to temperature and air, or what you call a suitable dress? A. There is much more liberty given a patient by a suitable dress, much more variety, which is necessary; and if, on the other hand, the patient is secluded simply for destroying their clothes, the way to remedy the evil is to change the mind, the thought and idea of the patient.

Q. Well, take the other case where they have no regard for the proprieties of life? A. The remedy is similar to that in the other phase of insanity, treatment by perpetual attention and change.

Q. Would perpetual attention and change have a tendency to eradicate the evil? A. That is, so far. Yes, sir, undoubtedly; for there are many such cases. For instance, in many institutions you will find a large percentage, sometimes, of wet beds. That is very largely dependent on the neglect of the attendants in that portion. In some institutions there is a fine inflicted on the attendants for the number of wet beds over a certain proportion. That is a very efficient remedy, and it ceases with constant attention.

Q. That leads to another question I want to ask you. In the case of wet beds, is it not a fact in insanity that the odor from a bed freshly wet is frequently very offensive. A. Undoubtedly, sir.

Q. And the fact that the odor from a wet bed was very offensive would not necessarily leave you to infer that the bed had been wet for a long time, and frequently, — not necessarily, would it? A. Well, sir, on visiting an hospital where wet and dirty beds are found, it is very usual to find straw beds used, almost invariably.

Q. What other material is used? A. There are wire-bottomed beds with simple blankets and oiled proof sheet. But if I found a straw bed wet and dirty I should consider it was wrong, because straw is used more particularly that it may be changed frequently, or when required.

Q. (By Gov. Butler.) And inexpensive? A. Usually so. In some parts of America straw is more expensive than many other materials. In that case, they substitute for it what I think is termed shocks.

Q. (By Mr. Brown.) Now, I want you to tell the committee where in the United States you found an insane hospital where the cleanliness of the ward and the patient, and the character of the food served to the patient, was better than you saw indicated by what you saw at Tewksbury? A. I will answer that question in this way. So far as cleanliness and order go, as I have already stated, it equals that of any institution I have visited in the United States: so far as the food is concerned, I did not see it served.

Q. And you have not sufficient information on that subject to pronounce an opinion? A. No, sir.

Mr. Brown. I am greatly obliged to you.

Gov. Butler. Now, with the leave of counsel, I will put in

this report of your visit made at the public institutions in Ontario.

Mr. BROWN. I should be very glad, Mr. Chairman, if the doctor would put into this case any qualifications which he has.

The CHAIRMAN. Anything that he cares to leave with the committee may be left here.

Gov. BUTLER. He desires to go and take them with him.

The CHAIRMAN. Then this paper may be read.

[Gov. Butler read the following:]

TORONTO, Dec. 13, 1882.

SIR: — I have learned with much regret that private letters have been sent to medical superintendents of lunatic asylums in the United States stating that you are inimical to them and their management. I am informed that this action has arisen from some statements referring to Canadian asylums made by you to a reporter in Toronto and published in the "Globe" of this city. I accompanied you on your visit to three of the four asylums in this province, which are under my charge, and to which your statements in the "Toronto Globe" chiefly referred, and I can only say that in your criticisms there was not one statement made by you that was not borne out by the facts, where they are within my knowledge. I look upon this statement, that a gentleman coming as you do, from the other side of the world, in search of information for a public purpose, can be inimical to any particular asylum or medical superintendent, or any class of them, to be absurd in the extreme. It gives me pleasure to state that in all my intercourse with you I found that your criticisms were fair and just and that your suggestions were invariably in the direction of securing for the inmates of the asylums improved surroundings and more humane treatment. Moreover, your views, so far as I am able to judge, accorded with the views of those authorities who are most advanced and the most successful in their methods of treating the insane. You are at liberty to show this letter to any medical superintendent or officer to whom your views or conduct may have been misrepresented.

I am, very respectfully,

WILLIAM T. O'REILLY,
Inspector.

The CHAIRMAN. Governor, I think the committee would like to have your letter of instructions to Dr. Tucker read, if there is no objection, to see what the instructions were when he went to Tewksbury.

Gov. BUTLER. Certainly; there is no objection. [Reads.]

COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
BOSTON, April 2, 1883.

To whom these letters shall come:

Dr. George A Tucker, of Australia, comes duly accredited from the government of that colony as a scientific gentleman to investigate, on its behalf, the disease of insanity and cognate diseases, the method of treatment and mode in which insane people are cared for and restrained. I commend Dr. Tucker and his enterprise to those in charge of the several institutions in this State, which he desires to visit, and ask that every facility be given him to make such investigation, and every courtesy shown him which belongs to his benevolent mission.

BENJ. F. BUTLER, *Governor.*

Q. (By the CHAIRMAN.) I would like to ask one or two questions. I think the Commonwealth may well profit by your experience. Have you found in your travels any other insane asylum, or hospital connected with an almshouse, substantially as this is? A. Yes, sir, in form; but usually they are county houses and not State houses. I believe this is a State house.

The CHAIRMAN. Yes, sir.

The WITNESS. Those that I have seen are county houses where the poor are maintained and where there is provision for the insane.

Q. And therefore not so extensive as this? A. In some cases more extensive.

Q. In counties? A. Yes, sir.

Q. Will you state an instance? A. I think it is a county-house at St. Louis.

Q. In the city? A. Yes, sir; I think that is one instance.

Q. You said that one to fifteen would be a fair ratio of attendants? A. That I think would be.

Q. Now, if you could have seventy-five per cent. of these people employed or amused, would you then say that one to fifteen would be enough? A. I should.

Q. And you said one to ten in an ordinary insane hospital? A. In an ordinary insane hospital I think one to ten.

Q. How did you find that in your experience in the hospitals in this Commonwealth? A. I think it is about the average number.

Q. About one to ten? A. About one to ten. I might state that I have found the hospitals in this Commonwealth many of them elegantly furnished, many of them well conducted, clean

and orderly, and in every way equal to that of the other institutions in the United States. There are some few patients I would rather not explain about.

Q. These two hundred and sixty harmless insane, as we call them, at Tewksbury, you would have either employed or amused constantly. A. Undoubtedly; that is part of the attendance. That is what the attendants are engaged for.

Q. Suitable air; you would have them out doors? A. Yes. Attendants are not mere silent watchers; they are nurses with constant care and attention of the individual patient.

Q. In case any of these are violent or dangerous you would have a suitable number of attendants to care for them instead of restraining them? A. I think you would find that the one attendant to fifteen patients or to ten patients would be equal to that.

Q. One other question. Supposing you had absolute power how would you reorganize or fix over this institution at Tewksbury, assuming — perhaps you are not advised of the fact — assuming that there are about one thousand poor people, State paupers, and two hundred and sixty are thus harmlessly insane. A. Pardon me, Mr. Chairman. I know nothing about the almshouse portion; I did not visit it.

Q. You did not examine that at all? A. I did not examine that, so I cannot say anything with reference to the treatment there. I distinctly state that the insane portion are entitled, as being unable to make their wants known, to a larger proportion of comforts than the other members of the institution.

Q. Do you think it wise to have such an insane department connected with a large almshouse like that, doctor, from your world-wide experience? A. I think it would be better in a separate institution, no doubt: but the institution there, so far as the building goes, so far as the arrangement perhaps of that, considering the cooking which has to be brought from the main building — which is a defect — but taking the other portions of the building, well it is equal to the class of people, of patients, that are in occupation.

Q. Now, in your experience, how many hospitals have you found for the criminal insane, — separate and entire? A. Not a large number.

Q. Not a large number in the United States? A. In the United States; only one.

Q. Where is that, please? A. At Auburn, in the State of New York.

Q. Is it your judgment that a Commonwealth of this size, with say 1,800,000 people, with the hospitals you have seen, would afford criminal insane enough for a separate hospital? A. I think so, sir. I think I found sixty-six in one hospital.

Q. You would have them in a separate building? A wing would not be adequate? A. No, sir. It is absolutely necessary, to treat them properly, that both classes should be separate. For instance, it is a distressing matter to friends of ordinary patients to be aware of the constant influence or intercourse with the criminal insane; and that applies to many patients who are capable of reasoning to some extent. Every insane person is not necessarily incapable of reasoning or of thought.

Q You would expect, of course, the criminal insane to be substantially confined? You would not expect the attendants to do all that work in the same way it is done there? A. Well, sir, institutions for criminal insane patients are, of course, differently constructed to meet the requirements, but the surroundings are pleasant, cheerful, and so forth. If again I might refer you to the institution at Auburn you will find, as I stated, there is no restraint. The surroundings are pleasant and homelike; the walls are decorated with growing plants, flowers, pictures, and other amusements; books and sundry other matters for healthful enjoyment and amusement. As far forth as possible they are employed. I might say that there are very many trades and light occupations being introduced into the various institutions here in America which are most beneficial.

Q. (By Mr. Mellen.) Where do you find that condition of things? A. Well, from memory, sir, I could merely refer the committee to Tuscaloosa for one, and to Norristown for another. There are one or two of your institutions where there are some few trades introduced, and a very strong desire to introduce more, only wanting the means.

Q. (By Mr. Brown.) Only wanting the means? A. Pecuniary means; that is, the appropriation.

Q. (By the Chairman.) The tendency now is, doctor, is it, to smaller institutions? A. According to statistics I have collected, sir, I think it will be shown that ninety out of one hundred superintendents have declared that the maximum number should not exceed three hundred.

Q. (By Mr. Wolcott.) I would like to ask a single question, and that is: whether the cases you saw under restraint were cases that required restraint, and were the methods of restraint such as are usual in other institutions? A. The methods are the same as in other institutions; but as to the reqnirement, that is a disputed point.

Q. Then, I also want to ask whether in your opinion the beds and bedding were adequate in a number and in good condition. A. I found those that I saw — I turned over one bed, and I presume they were all similar — I found that was well provided for, and that evidently a wet patient had occupied it; because it was provided, as I saw it then, with a waterproof sheet, as is required.

Q. (By Mr. Putney.) I have one or two questions that I would like to ask you. I think Mr. Brown put a question something like this: if you didn't understand that these two hundred and sixty inmates at Tewksbury were made up — form a cesspool — are the poor patients sent from other institutions? A. That question was put, but I think I corrected it by saying that I understood they were chronic cases drafted from other institutions.

Q. You understand them to be so now? A. I understand that to be the case.

Q. (By Mr. Mellen.) Should pauper insane be treated differently from the insane who are not paupers before they become insane? A. Not as a matter of treatment, sir, certainly. But their surroundings are very often different. In my opinion, as based upon what I have seen in the United States and elsewhere, I would provide surroundings as nearly equal as possible to what they had previously enjoyed.

Q. And in the matter of discipline would you do more? A. Not in the slightest.

Q. So that really this institution should not be treated as though it were the cess-pool of our pauper institutions? A. I cannot, I think, sir, express any opinion as to its being a cesspool.

Q. Now, have you found in any other of our institutions parties under restraint similar to those you found at Tewksbury? A. I have; and under worse restraint.

Q. Many of them? A. Twice, at any rate.

Q Where? A. Well, sir, if it is not necessary for me to name them I would much prefer not to do it.

Q. I would say that this is the committee upon Public Charitable Institutions, and it is part of our business during the legislative session to ascertain the condition of the insane in all our institutions; so that while it has not a particular bearing upon this question —

The WITNESS. I should be most happy, sir, to give any member of the committee any information that lies in my power, but I should prefer not to mention any special institution. I have refused to be interviewed by the press on that very point, and I think it would be objectionable in regard to the State institutions for such a matter to be mentioned specially. I should be most happy to give the committee the names or any other information relating to it.

The CHAIRMAN. You may give the name to Mr. Mellen.

Gov. BUTLER. Allow me to suggest, it will not be improper, that you might adjourn to a little room, or have the room cleared of reporters, when the doctor would give you the information. You and I both respect his wishes. He received great courtesy, I suppose, at the hands of all of them.

The WITNESS. I have, sir.

Mr. MELLEN. I was going to remark that it was a matter in which every member of the committee should be interested.

The WITNESS. I will await your pleasure, gentlemen, as the governor suggests.

The CHAIRMAN. Well, then, we will take that opportunity at the close of the hearing.

Q. (By Mr. BROWN.) One or two things suggested by questions asked by the chairman I want to ask you about. You say that the attendant should not be a silent watcher; he should be a nurse, and he should have sufficient capacity to interest, instruct and amuse the patient. Now, doctor, does not that kind of attendance require a great deal more talent and necessarily demand higher wages or salary? A. May I answer that in my own way, sir?

Q. Certainly. A. Then I will do so in this way: In some of your State institutions I have found female attendants paid, I think at the rate of fourteen dollars per month and found, their salary being raised sometimes at the will of the superintendent. At Tewksbury I find that the female attendants receive twenty dollars per month. Consequently I consider, judging by the difference between fourteen and twenty that the ability should be on the part of those paid twenty.

Q. (By Mr. Mellen.) Now, doctor, in your experience and in your inspection of all the hospitals of the United States, have you collected any information upon this subject of the salary or wages of attendants in hospitals? A. In every instance where I have visited I have the amount of salary paid to male and female attendants simply, with that matter shown in statistical form.

Q. Now, have you that information at hand so that you could give it to the committee? A. I have not, sir, because I have been travelling rapidly night and day since July, and I have not had time to prepare in statistical form.

Mr. Mellen. It is hardly fair for me to ask you, but I knew it would be of great interest.

The Witness. You will have ample information on that point when my report is issued. It is not a matter of report to my government: it is a matter of statistical information for all asylums concerned, and of which they will have due notice.

[The committee took a recess for five minutes.]

Q. (By Gov. Butler.) I want to ask this question, — you say you cannot give us the statistics now, — whether, taking your general remembrance of the wages paid to attendants, whether the rate at Tewksbury is higher or lower than the average? A. Higher than the average, I think, from my memory. I think I might say that in South Boston they pay their attendants fourteen dollars per month.

Q. (By the Chairman.) You mean the average in this State? A. I mean the average in the United States. At South Boston they pay fourteen dollars per month.

Q. (By Gov. Butler.) At Tewksbury they pay females twenty dollars, and males thirty dollars, what is the average for females throughout the United States? A. From memory I don't think I found any exceeding twenty-five dollars per month, and they are of a very superior class. I think I found that in Illinois, more particularly, where well-educated ladies were in charge of wards.

Q. (By Mr. Brown.) Now, let me ask you this question. Whether you know anything in regard to the character and qualifications of the ladies in charge of the patients at Tewksbury? May they not be well-educated ladies? A. Certainly, sir; I am not aware.

TESTIMONY OF CORNELIUS H. O'BRIEN (*sworn*).

Direct examination by Gov. Butler.

Q. Did you ever go to Tewksbury? A. I did, your Excellency.

Q. When? A. On the seventh day of last March, sir.

Q. What for? A. I contracted a very severe cold and I had to go in there.

Q. How long did you stay there? A. From the seventh of March until the seventeenth of this month. A week ago last Tuesday I left.

Q. Where do you reside? A. At No. 7 Webster Court, South Boston.

Q. Had you rheumatism at the time you went in? A. Yes, sir.

Q. Were you placed in the hospital? A. Placed in the hospital the moment I went in, your Excellency.

Q. While you were there did you see an old man by the name of Cass? A. Yes, sir.

Q. A man about eighty-five years old? A. Yes, your Excellency, he was in the next bed to me.

Q. Was he old and bed-ridden? A. Bed-ridden. The man is dead since, your Excellency.

Q. What? A. The man is deceased; died, since.

Q. Died since? A. Yes; died before I left the institution.

Q. Now, won't you tell the committee how he was fed: Was he capable of feeding himself? A. No, your Excellency; he was not capable of feeding himself; he was not capable of lifting his hand to take the bowl off the table.

Q. How was his food served to him? A. The food was put at the head of his bed, on a table, a small deal board table at the back of the bed. There was not any one to assist him, sir, of the paupers that went around with the food on a dish. There was a plate, a bowl, and a knife and fork left there. They put the food on the table at the head of the bed and asked the man: "Do you want bread or meat?" If you said you didn't want it, that the man was not able to eat it, there was no use talking. They would leave it; set it by the bed; eat it if you can, if not let the charity of some other man feed you.

Q. That is, the nurse would simply place the food upon the table? A. On the table.

Q. And go away and leave it? A. Leave it.

Q. And leave it to the charity of his neighbors if he got anything? A. That is correct, sir.

Q. When they placed things on the table if he asked for a drink of water would any be given him? A Well, very rare, sir. The man who was put to do it, the nurse, didn't want to get any bother.

Q. So that was when you first went in? A. That was when I first went in. I had to get up myself and take the bowl and put it to the poor old man's mouth so that he could eat; but he didn't eat but very little, for it was not fit to eat.

Q. How many days before he died? A. I left the hospital, sir; I cannot say the day I left, but in a day or two after I left the hospital, or three days. The man in the next bed to me is down there now with a broken ankle; he can tell you.

Q. Was there a paralyzed man there; so paralyzed that he could not walk, or could just walk, I don't know which? A. There was an old man, sir; Moran, I guess, was the name, if I don't mistake. Yes, it would be the name of Moran; right over in the bed opposite me, and he used, poor man, to be getting up once in a while, five, six, eight or ten times, getting up in his shirt and walking up and down the ward. I have seen a paid assistant there by the name of William Winning —

Gov. Butler. We have heard of him before.

The Witness. — take that poor man, shoving him down the ward before him, kicking him, thumping him on his naked flesh, and put him into bed. After that, sir and gentleman, he got straps and tied the man to the bed, and got a sheet and tied him at the foot of the bed. The straps that he tied him with were the straps that they put on people with delirium tremens and crazy people.

Q. Where was this strap tied? A. The strap was tied here about the body, sir, his hands, and about the bed, so they would fasten it, and the sheet was put about his feet.

Q. How long was he left tied in that way? A. He was left tied that way, your Excellency and gentlemen, from on or about four o'clock in the afternoon until the lights were put out after eight o'clock, until the night watchman, the young boy that he was — not fit to be there any way — until he retired, a man that assists him, a man that sits up at night with this boy watchman, until he came around; the man was twisted, and he got twisted out of the bed in a way that the strap got this way

about his neck. I said it was a shame. He is down there still, your Excellency and gentlemen. Winning was called, and we told him, for God sake take the strap off his neck or he would choke; so he did and the man stopped quiet all night.

Q. Now, when this paralyzed man got up — how old was he? A. A man I think, your Excellency, sixty-five years, or close on to seventy.

Q. Did he do any harm? A. Not a bit. The man is sort of half idiotic.

Q. Was not violent? A. No, sir; he didn't know how to be; he was foolish.

Q. When you removed this strap — you removed it, did you? A. No, I was in my bed.

Q. When you called the nurse to remove the strap was he choking? A. He would have been killed, that is my firm opinion, if it was not taken off; for he struggled along, and he struggled so he pulled the strap about his neck.

Q. Did you go away of your own accord? A. Yes, sir, your Excellency.

Q. You were neither turned out nor ran away? When you went away did you ask for a pair of shoes? A. I did, your Excellency.

Q. And of whom did you ask? A. Of Capt. Marsh, the superintendent; he were the fittest.

Q. What was Capt. Marsh's answer to that? A. He said at first, the first morning I asked him, your Excellency and gentlemen, "I don't think I have shoes to give every one I have promised them to." "Well, if you haven't, sir," said I, "I suppose I will have to go without them and get my own mended." "I will see," said the Captain, "as soon as the folks have eaten their breakfast." There used to be such a crowd of people that he had to make two divides; one divide had to get finished with breakfast so as to get room to let others go in. So I waited by the rail of the office until all breakfast was finished and the captain came out and walked down to the office. As he was walking along the yard I walked along with him, thinking he was going to come down to the bath-house where the shoes and clothing were kept and to get me the shoes. Instead of that he went out to the gate. I followed him to the gate and I asked him about the shoes, and I didn't understand the answer he gave me.

Q. Did he give you any answer? A. He said something,

I don't remember what it was. I will tell you what he said the next day, though.

Q. Did you try the Captain again for the shoes? A. The next morning.

Q. What did he say to you, and you to him? A. On the next morning, your Excellency and gentlemen, I came to Captain Marsh and asked him about some shoes. His son, Thomas, Jr., was with him at the same time in the office. He looked at my shoes and he said "Those are good enough for you." "But, Captain," says I, "you said yesterday you had no shoes, and in an hour afterwards, I saw a man that French Joe gave a new pair of shoes to, neither did he ask him." "What has that to do with you?" says Captain Marsh. Said I, "It has nothing to do with me, but I think I have as good a right to get them if I want them as anybody else, and I would not ask them if I didn't." They resisted; so, your Excellency and gentlemen, I wrote a note, and put it into an envelope, and went up and left it on the inkstand in Captain Marsh's office, and went up on the following morning to ask him for a sheet of paper to write here to the State House to His Excellency. "Did you write that note?" said he. "Yes," I said, "I did." "Did you write that note?" "Yes, sir; decidedly I did." "Didn't you know you were telling a lie in that note?" "Not a bit of it," said I. "Didn't you know you were telling a lie when you say French Joe sells shoes for money?" said he. "Not a bit of it," said I, — I will tell you about that afterward, — "so I want a sheet of paper to write a letter. I have a complaint of grievances to make, and I want a sheet of paper." Said he, "You are a black-hearted" or "a black-headed villain," I don't know which, and he took me by the shoulder. "Don't shove me out of the office," said I. "I will kick you out," said he. Mr. Thomas Marsh went from the outer door on the inside and didn't interfere. I saw him stand at the window when I went out of the door.

Q. What took place then? A. He would not give me the paper, your Excellency, not that time. I came again, and said I, "Will you give me the paper?" "When I please myself," said he. So I came, and another man, to have him with me, afraid of any altercation. I went in with him, and he gave me a sheet of paper; and the envelope, — I asked him for an envelope as I said I was going to direct it to your Excellency, — no, he would not give it. I wrote the letter on the tenth day of April

and dated it on the twelfth. I had to wait until the twelfth, until the agent's clerk came down, to get my envelope.

Q. Mr. Wrightington? A. Mr. Wrightington's clerk.

Q. Then you got your envelope? A. Yes, sir; then I got it and gave it to Capt. Marsh to post.

Q. Who is French Joe? A. I will tell you, sir; he was a pauper; I don't know but he is a pauper now. He was a pauper that went into that institution, from what I can hear of him, and he has been there for years. He went in as a pauper and was sent to his own native country. Whether he sold his passage I don't know; he went to France and came back again, and in a very short time it came out that he came back again. From what I can hear he applied to Tewksbury and was sent for two years to Bridgewater. For years back he is the head man over the clothing, the groceries and everything else.

Q. You mean everything else that they have for sale? A. Everything else as far as clothing, tea, sugar and provisions are concerned, — he and the clique.

Q. Have you known this man to sell shoes to the inmates? A. Decidedly, your Excellency, I did; no question that they bought them from them.

Q. What did they give for them? A. Well, from what I can hear, I believe for twenty-five cents a man can get from either French Joe or J. R. Cannon, or another man that carries the mail there now, — I saw him out there —

Gov. Butler. Leave him out for the present.

The Witness. For about twenty-five cents you could buy a whole suit of clothes.

Q. Have you known him to sell any shoes or any clothing for a piece of tobacco? A. Well, I don't know him to sell them for a piece of tobacco; but any way I got the shoes before I came out for a piece of tobacco, and I told Capt. Marsh of it, too.

Q. You got the pair you have on now? A. From an old pauper who did cobbling. I told him I had got them over his head.

Q. (By Mr. Mellen.) From whom? A. I got them from Larry; old man Larry.

Q. (By Mr. Murphy). Does this Larry have charge of the shoes? A. Well, it seems that he did when I got them. There is a good many has charge of things there that shouldn't have it.

Q. (By Gov. Butler.) Whether the inmates used to sell postage stamps? A. Yes, your Excellency, I have bought those myself. I cannot get paper, though the State allows it, I believe — I could not get it from the superintendent, but if I had five cents I could go down to the bath-house and get it from one of those, and I did when I was writing to my wife.

Q. Did they sell stationery? A. It is called a store, sir, this bathing-room where a man goes in first to get their clothes changed and one thing and another.

Q. That is, the inmates would have them there and sell them to each other? A. They have them there for the purpose of making a profit. A ten cent piece of tobacco here in the city they would make twenty cents of, but they will be very glad to get it that use it.

Q. That is a very frequent thing? A. Yes, your Excellency, for I know; for five cents I could get a ten cent piece here.

Q. You came away and came here to South Boston? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. Mr. O'Brien, were you there as a sick patient? A. I was, sir, there sick. I went in, and was put into the hospital before I was there five minutes.

Q. What was the matter with you? A. A very heavy cold.

Q. A cold on your lungs? A. On my lungs; and I cannot breathe for it now even.

Q. You are naturally of a very gentle and retiring disposition, are you not? A. Yes, sir; as you see me now; I am that way always. I don't know what you mean by that.

Q. Well, always gentle, never riotous, never what you might call brusque, I suppose, are you? A. I am the same as you see me now, Mr. Brown. [Laughter.]

The Chairman. There is considerable fun in this witness, but we cannot go on with the hearing with this noise and applause. Heretofore, we have directed the room to be cleared when there was any applause manifested. Now, we are nearly through with the hearing, and I don't want to order anybody removed because you all see the propriety of orderly conduct.

Q. (By Mr. Brown.) Were you ever at Tewksbury before? A. I was.

Q. Something about three months previous? A. Sick too.

Q. Sick. Never was there before that? A. Yes, sir.

Q. When? A. Something about a year before that, if my memory don't fail me very much.

Q. Never was there before that? A. I don't know that I was.

Q. In other words, you have never been to Tewksbury but three times? A. It may be four, I don't know; I don't remember any more than three.

Q. Now, let me refresh your recollection? A. Well, refresh it all you can; I should like it refreshed at times, it would do me good.

Q. Now, on Feb. 9, 1881, you went to Tewksbury, and you were discharged on the 25th of February, 1881, were you not? A. Yes.

Q. Then, you went to Tewksbury again on the 14th of September, 1881, and were discharged on the 12th of October, 1881, were you not? A. Yes.

Q. Then, you went again on Nov. 18, 1882, and you were discharged on the 12th of December, 1882, were you not? A. Yes, sir.

Q. Then you went again on the sixth day of March, 1883? A. That is, this last March.

Q. And you were discharged? A. Last Tuesday week: the seventeenth of April.

Q. And you were discharged? A. Yes, sir, by my own application; I wanted to go. I would have gone a week before if Mr. Wrightington had been down, but he didn't come.

Q. Now, let us see. On all of these occasions when you have been to Tewksbury, four times, did you have simply a bad cold? A. Nothing else I had, decidedly.

Q. Nothing but a bad cold? A. Nothing but a bad cold.

Q. Now, when you went there in February, 1881, where did you go from? That is, from what city or town? A. From South Boston.

Q. You had lived in South Boston, had you? A. Yes, sir.

Q. For how long? A. For the last nine years.

Q. You have a wife living there? A. Yes, sir.

Q. Whereabouts does she live? A. She lives at the same place where I live myself, I suppose.

Q. She didn't go with you to Tewksbury? A. No, sir.

Q. Where did she live when you went to Tewksbury in 1881? A. In the very same tenement house. It was a little

family trouble that compelled me to go; but for my lungs, I need not go. At the same time, my term there was very short.

Q. Let us see; she lived in the same little tenement house where you lived; where was that? A. That, gentlemen, was 69 Middle Street.

Q. Was it her want of gentleness that sent you to Tewksbury? A. That, gentlemen, was my own little affair. I don't know, your Excellency and gentlemen, whether I am going to explain to Mr. Brown any little family trouble that may necessitate me to be from my place for a short time. I won't answer.

The CHAIRMAN. Answer the question; the governor will object when he thinks it is proper.

GOV. BUTLER. I don't think he is called upon to answer, but I don't want the committee to think I am interfering with the witness.

The WITNESS. No, it was not. If there was any fault, it was my own.

Q. (By Mr. BROWN.) What was the trouble? A. I won't tell you.

Q. Why, now, Cornelius, do tell me? A. It has nothing at all, Mr. Brown, to do with this case. I would as soon you would know it as anything else if I thought it was a necessity.

Q. Won't you tell the committee, Cornelius? The committee and myself; we are all interested in you, and we would like to know.

The CHAIRMAN. I think it is a proper question, unless the committee rule otherwise. Answer the question, Mr. Witness.

The WITNESS. Well, the trouble was because I had made away with some money that belonged to her; spent too much money.

Q. That belonged to her? A. I spent it, that is all.

Q. How did you come to spend it? A. I spent it in company, I suppose, on a bit of a spree, as we will say. It was of my own earning, and part of it was my wife's.

Q. You had a bit of a spree, the result of it was a family trouble, and then when the spree was pretty well over where did you find yourself? A. I could find myself at home if I went home. I did go home, too.

Q. Didn't you get arrested? A. What?

Q. Didn't you get arrested? A. For what?

Q. When you were on that little bit of a spree? A. I didn't, sir-ree-bob, not on that bit of a spree; for there is not a drunk on the calendar against me, though I was up once or twice. It is not but I drink my share as well as another.

Q. Well, when was it that you were up for drunkenness? A. On the thirteenth day of last May I was teaming. I hired a fisherman with a dory to go down to Fort Warren to buy junk, me and another man. I came up on the evening of the thirteenth of last May to store my junk in the junk store, — three cartloads of it in the dory. It was too late to sell it, and I had to leave it in the junk yard until morning. Naturally the four of us in the yard went in to get a drink. In the bar-room I got my head struck with a bottle. This is how I was arrested. I was living at home then. I was not taken up from the street. I would not be arrested from the street, but I could not tell who struck me; the blow stunned me so I could not tell. When I was struck I was at the door with the officer, as I say, and the consequence was they took me up for disturbing the peace, and fined.

Q. Now, why did you say that naturally you four went into the bar-room? Was it a sort of second nature to you? A. No, it is not; it is not. I will explain it to you. Me and the little junk man —

The Chairman. I think the committee will draw on their own experience for that.

Mr. Murphy. I beg your pardon; excuse me.

The Chairman. I desire to say I will withdraw the remark.

Q. (By Mr. Brown.) You got arrested? A. Yes, sir.

Q. Who was the police officer? A. Lowry.

Q. From what station? A. Station six, South Boston.

Q. Who brought you over to court? A. Why, "Black Maria" brought me over from Station six up to the court-house, a short distance.

Q. What officers? A. Officer Lowry was one; I don't know the other; I know him thoroughly, but I don't know his name.

Q. You were sent to the bar to be tried, and you were asked whether you were guilty or not guilty. What did you say? A. Not guilty. Why, I told how it was.

Q. What did they do with you? A. Well, of course I was brought out guilty. I was fined ten dollars and costs.

Q. What did you do then? A. Of course I served my time for it.

Q. Where? A. Down at Deer Island, the first time, and I hope it will be the last.

Q. Were you sentenced under the name of Cornelius H. O'Brien? A. It may be they left out the H., but I told them to put it in. That is my name — Cornelius Hoole O'Brien. That is my mother's name and mine.

Q. Did you ever have any experience like that, before or since? A. I have had none since.

Q. Any before? A. I have.

Q. Tell me what experience you had like that before? A. I had a little trouble.

Q. What was it? A. A row.

Q. Where? A. In the house I was living in.

Q. With whom? A. I don't know; with the neighbors. The officers came in to haul me and I assaulted them.

Q. Whom did you assault? A. That Leighton cripple and an officer by the name of Jeremiah Sullivan. He was the officer I assaulted, for which I suffered very hard.

Q. Did they belong to Station six? A. Positively they did.

Q. That is over on Broadway? A. Yes, sir; between B and C, I guess.

Q. Now, were you tried at that time? A. I was tried at the high court.

Q. Where were you sent? A. I got a year for the assault on an officer, at the House of Correction.

Q. South Boston? A. Yes, sir.

Q. And you served that sentence? A. Yes, sir.

Q. Did you have any experience like either of these on any other occasion? A. I did.

Q. When was that? A. Something about four years ago, I guess.

Q. Tell us about that. A. That is all it is. I was committed for an assault.

Q. Whom did you commit that upon? A. The man is dead, both of them; I guess the whole of them that were against me.

Q. Did he die of a result of the wound? A. No, sir; for I didn't hurt him any more than I hurt that table.

Q. What was his name? A. His name was Mayberry.

Q. Who were the officers that arrested you on that occasion? A. Timothy Enwright and another gentleman that committed suicide on himself a short time ago, — Mr. Emery.

Q. Were you tried here in Boston for that? A. Decidedly, sir.

Q. What was done with you for that? A. I got nine months for the three assaults.

Q. Where did you serve that sentence? A. House of Correction, South Boston.

Q. Now, have you ever been in the House of Correction more than twice? A. I don't know whether I have or not; I cannot remember. But any way, I want to say one word: what I committed I am not ashamed of; neither will it cause any one who knows me to blush. But what good is this evidence to you or to anybody else? I don't see what the use is in this. I have got into troubles, which any man naturally will, and, always unfortunate, got the worst of it, though I was the wrong party. Of course if I am struck I am not going to leave the man alone who struck me; and if I strike a man back the first thing they will do they will give me clean away. Of course after this assault on officer Sullivan the police are against me. I had occasion to bring that before the commission.

The Chairman. You had better answer the questions; we shall get along faster.

Q. You say the police have a decided prejudice against you. How long has that existed? A. Since six years ago the thirty-first day of next July, when I committed the assault against one of their brother officers.

Q. Now, you were gentle and patient with Capt. Marsh, were you, on that occasion? A. I was patient until he said he would kick me out of the office. Then I said nothing to the old gentleman.

Q. Now, let us see. Can you read and write? A. I guess so; a little.

Q. You can write a very little? A. I can write a little.

Q. Will you let me see that memorandum that you refreshed your recollection with? A. If it will do you any good, I will, with a blessing. [Produces the memorandum.]

Q. Now, will you tell me, is that your handwriting? A. Decidedly it is; and I will write now here and it is no different.

Q. You need not do that. Is this in your handwriting? A. Yes, sir; that is my handwriting.

Q. When did you write that? A. I wrote some of it while I was sitting here in the court-house, in this room.

Q. When did you write the rest? A. Last night. I took down the name to refresh my memory.

Q. Now, let me see. When did you say you went to Tewksbury the last time? A. I said the seventh, but I guess you have it down the sixth; I don't know whether it was the sixth or seventh.

Q. Very well, let us call it the sixth? A. Well, we will call it the sixth, but I took it to be the seventh.

Q. Did you apply for shoes the first day you went to Tewksbury? A. I did not.

Q. How long had you been at Tewksbury before you applied for shoes? A. I was on the eve of coming out on the ninth; on the eighth or ninth I was expecting Mr. Wrightington to come out, and I thought as my shoes were broken I would ask Captain for shoes. It was then I asked for the shoes, a few days before I came out.

Q. [Producing a letter.] Now, won't you look at that letter and tell me if that letter, dated March 5, was not dated by you? A. I will tell you in a minute. This is my handwriting. I don't know what to say about those marks that are there. That is my handwriting, positively.

Q. Well, look and see if the memorandum "March 5" is in your handwriting? A. No, sir; that is not my handwriting; that is not mine. No, sir; that March 5 is not my writing, I am positive. This is my writing, and this is my writing; I don't think those two are.

Q. In other words, the word "sorry" and the word "to" have been interlined? A. Those are not mine, neither is that March 5 mine. All the rest is mine.

Gov. Butler. Let me see that letter.

Mr. Brown. Certainly.

Q. (By Mr. Brown.) While the governor is examining that letter I will ask you another question. When you went there on the sixth of March — supposing that to be the time — what did you say was the trouble with you? A. I told him, the doctor I was asked by, that I was troubled with a very heavy cold and pains across my back.

Q. Did you tell him you had been injured by a fall? A. Yes, I was.

Q. How did you get that injury? A. I will tell you.

On the third day of March, going into a friend's house on Athens Street, as I was going in I slipped on a piece of ice, my hands were in my pocket and I fell flat on my nose. My friend and his wife came down and lifted me up, and I went up to Dr. Ferguson's and got a dressing.

Gov. BUTLER. I want that letter preserved.

Q. (By Mr. BROWN). Now, were you slightly under the influence of intoxicating liquor? A. No more than I am now. I have not taken more than a cup of tea for my breakfast and a drink of water. I don't take any of that. I was myself in business and it didn't answer me to take any.

Q. What was the business? A. Junk business; that is what I deal in.

Q. That requires a man to be sober? A. It requires a man to mind his business.

Mr. BROWN. I will read this letter. [Reads.]

"Mr. Marsh, I am" — then follows the word "sorry," above the line — "to say that I have necessity of going" — then the word "to" — "any bother with you for a pair of shoes. Now, sir, as you told me that you can do as you like in that respect, now, sir, have not I a right to be treated as any other inmates of this place? What authority have French Joe to give shoes and clothes to any favorite that he choose? I don't want to have many words with you on the matter, but I tell you square and plain that I will make very ugly talk about it to your superior authorities. I will now lave my old shoes in your office and go barefooted until some one in higher authority than you or French Joe will lave me have them, and rely on it that before I am done the clique of fancy paupers that you keeps in the store-room will be broke up. I don't know whether you are cognizant that they sells tobacco, pipes, note paper and stamps to paupers.

"I remain yours humbly,

"CORNELIUS H. O'BRIEN."

Then follows, immediately below, "March 5," which he says is not his.

The WITNESS. There was as much more as that; where is the rest of it? Why don't Captain show the whole?

Mr. BROWN. One thing at a time.

The CHAIRMAN. Is there any question, Governor, about the interpolated words, the words "sorry" and "to"?

Gov. BUTLER. There is no sort of question that they are not in his handwriting.

The CHAIRMAN. Are they of any importance?

Gov. BUTLER. They are important because they have gone and put the date March 5 to it.

The CHAIRMAN. Then leave the paper with the committee.

Gov. BUTLER. Then they have torn off one-half of it that they won't read now, I suppose.

Mr. BROWN. Let us see about this tearing off one-half.

Q. Were these two pieces of paper joined together? A. I don't think they were.

Q. Don't you know they were never joined together? A. I don't say. They were folded up together and put in an envelope.

Q. Then they have not been torn apart? A. They are not torn apart.

Q. They were separate when you sent them? A. I tore them out of a book. [Producing a pass-book.] There is the book; I tore them out of that.

Mr. BROWN. Very well. You ought to apologize for that, Governor.

Gov. BUTLER. Well, I don't know, sir.

Mr. BROWN. You said we had torn off one-half of it.

Gov. BUTLER. I said that when one part was read and not the other.

Mr. BROWN. I never try to do but one thing at a time.

The CHAIRMAN. The committee heard the remark. Go on.

Q. (By Mr. BROWN.) Now, take the next one. That is your handwriting? A. Yes, sir.

Q. That is a separate communication? A. They were both in one envelope; I say they were both together; that is what I mean.

Mr. BROWN. Wait, and I will read this.

Gov. BUTLER. Let me see it, will you?

Mr. BROWN. Certainly.

Gov. BUTELR. I want to see if they are tampered with. You may read it.

Mr. BROWN read the following: —

"MR. MARSH: I am sorry to say that I have to complain to you how over French Joe uses his authority, you who is the superintendent of the institution. Now, sir, I have asked you on two occasions for a pair of shoes, and you told me you didn't think you had not any. Now, sir, I can show you a man that on the same day that I asked you, that French Joe gave a new pair of shoes without he ask-

ing them, for the man did not want them, for the man had a good pair of boots of his own; but Joe said to him they were too heavy for him to walk about in; and the man told me that he gave him an order at the same time to get his own boots soled and healed. The same man is not in the institution over a week, and with the shoes he got a coat and vest, while others is left go half naked; but the same as others, I suppose that that twenty-five or fifty cents have a great deal to do with it. The result is, sir, if I don't get shoes, I will apply to the Governor of the State, and beg him to spake to the commissioners, and let them see into my case.

I remain, with respect,
Your humble servant,
CORNELIUS H. O'BRIEN.

The WITNESS. Is there anything wrong about that?

Q. (By Mr. BROWN.) Won't you tell me whether that word "sorry" in this letter is in your handwriting? A. That is mine decidedly. Positively that is mine.

Q. That "sorry" there is yours, and this "sorry" isn't. A. Decidedly that is not mine: that is put there. I don't see what was the reason of it, anyway.

Q. Now, what was the date when you sent those two letters to Mr. Marsh?

Gov. BUTLER. Have you got the envelope?

The WITNESS. Show the envelope. Let me see; I will tell you as nearly as I can. It was either — I don't know, was it — it was sometime in the beginning of April; about the sixth, or seventh, or eighth of April, I guess.

Q. Did the envelope go through the office? A. No-sir-ree-bob, it could not; I left it in the envelope, addressed to Capt. Marsh, on his inkstand in the office.

Q. How came you to put these two, each one of which is commenced "Mr. Marsh" and ends in the same way, on his desk on the same date? A. I put them both — that was not on it.

Gov. BUTLER. That "March 5."

Q. (By Mr. BROWN.) That "March 5" was not there? A. No, sir.

Q. Was there any other occasion except when you wrote this letter, when you threatened to make Capt. Marsh trouble because he would not give you a pair of shoes? A. I had no occasion previous to that.

Q. Have you had any occasion since? Have you said to

anybody since that you would make Capt. Marsh trouble because he didn't give you a pair of shoes? A. I didn't say nothing about it.

Q. Where are the shoes which you say you had in the office, which you were going to wear because you could not get any others? A. If they are not given away they are in the box in the shoemaker's shop in Tewksbury — unless they are thrown away since. The moment I got there I threw them into the box.

Q. Now, all the complaint which you can think of or desire to make against Tewksbury, you have made, haven't you? A. No, sir-ree, not half.

Q. Now give us the other half? A. When I am asked.

Q. Well, I have asked you to give us the other half.

Gov. Butler. Tell him all about it.

The Witness. Well, first and foremost, the food is bad.

Q. What particular part of it is bad? A. I will tell you. The whole of it is bad, as far as that is concerned. They give us for breakfast in the morning bread, plenty of it, such as it is, but it is of the worst and coarsest description. The flour would be good family flour; if it was worked up and baked properly I have no doubt it would be good table bread; but the way it is baked, why, it would be a very hungry man that would eat it. I have got it half raw, even so that I could paste it against the wall. Then the coffee. You would get a pint and a half bowl of coffee, I will say, if I may call it coffee; I call it good water spoiled. It is a substitute.

Q. Good water spoiled? A. Well, that would be the best name to call it, instead of calling it coffee. Then, as far as the rest of the food is concerned, the whole of it is bad.

Q. Take another article that is bad? A. Take on Monday: we got a meat dinner; what I call salt horse, — corned beef; and you may say it is well pickled.

Q. Was there enough of it? A. No, not half; if a man could eat it. No man, on an average, gets over four ounces. There is two or three little pieces. A man goes around and puts as much as he can afford to on a plate, and if he has any left he goes further; but the average would be a very large mess if you got four ounces in little pieces of this. You got a dipper full of rice.

Q. Did you ever complain to Captain Marsh that you didn't

get enough? A. I got enough. I got enough, such as it was. I got enough, sir.

Q. Did you ever complain of the quality of the food? A. I did.

Q. To whom? A. To the man of the hall. He is a bad man that is there, — Burns, or Barnes.

Q. Tell me what was the name of this attendant who cruelly treated a patient; I mean other than Winning. Anybody else? A. And a young night-watchman by the name of Kittredge. He was only a boy. It was fitter for him to be playing with the boys than to be put up over a sick patient at night.

Q. Now, any other lack of attention on the part of these attendants, or any other cruelty?

Gov. Butler. You havn't gone through with all the food yet.

Mr. Brown. He says it was all bad.

Gov. Butler. You might as well go through and describe it.

The Chairman. Go ahead.

The Witness. Well, gentlemen, as I said, on Monday we got a bit of this corned beef; some men ate it, but a great many of the inmates didn't eat it, and it will be left on their plates. We got rice, and a sort of flour boiled, some molasses dressing, or sauce, for this rice. If a man cannot eat it, of course he will have to make his dinner of this bread, and then tea.

Q. Well, was there plenty of rice? A. There was sufficient for any man to eat. Rice boiled in water. Then, at night, we got plenty of bread, I say, if a man could eat it, and this tea. The tea is the same as the coffee. Then, on Tuesday, some days when I was down there, they gave salt fish on Tuesdays and Fridays. Sometimes they gave it fresh. It was generally fresh fish of a Tuesday. That is, pounded up, mashed up, bones and all. We had all a spoonful of bones on our plate, and a couple of potatoes, and bread and water; and a sort of sauce to put on the fish, of boiled flour. Then, on Wednesday, I don't know but it would be a fresh beef dinner, but a very small portion of meat. The soup would be good if it was not skimmed, but the essence of the meat is taken off, by what I can hear, in the kitchen, and is saved up in tubs and sold. Now, I deal in soap grease myself, as well as in junk, and I could sell it. — I guess it would be worth about eight or

ten cents a pound, — it would be worth nearly as much as beef would be worth.

Q. Well, go on. A. Well, the soup after you got that skimmed off was only water colored.

Q. Now, was there any meat in it? A. The meat might be boiled in it; you got it served in bits on your plate.

Q. Any vegetables in the soup? A. Well, sir, I got a couple of bits of turnip about that size, all I ever saw in this soup. And I often remarked that while they had a large farm they didn't have any vegetables there.

Q. Have you described fully the rations of the week?

Gov. Butler. He has not got around to Saturday.

The Witness. Well, Saturday, a fresh beef dinner, just the same as usual. We got fresh meat on Saturday; got a mouthful or two, and a couple of ounces of soup, such as you call it.

The Chairman. Let us have Sunday.

The Witness. Well, Sunday dinner is baked beans and brown bread.

Q. (By the Chairman.) Plenty of it? A. Plenty of it; but another thing, Mr. Chairman and gentlemen, I will tell you that it would take a man with a very strong stomach to eat it; it is not very well cooked, or served out. It is repugnant to eat it. First and foremost it has not plenty of pork, as there ought to be in beans. Sometimes they are half raw.

Q. (By Mr. Brown.) The pork makes it digestible, I suppose? A. Well, I don't think that in a pot of beans, say two gallons, three or four ounces of pork is sufficient for cooking them. They may as well cook them in water, and eat them in water.

Q. Now, have you told all the causes of complaint that exist in your mind? A. Well, that is about all.

Q. You have exhausted your recollection, and find nothing remaining — as cause of complaint against Tewksbury — except what you have stated? A. Except what I have stated, I have no more.

Q. How did the fare at Tewksbury compare with what you have been in the habit of having at home? A. Why, I would not have it; I would throw it out of the window. I would not give it to a cur dog if I had it. I will say it fair and square, my wife dare not bring it inside the door.

Q. Now, let me see. If I understand you, your chief criticism is that there was plenty of material out of which good food

could have been made, but the cooking was deficient? A. I say myself, Mr. Brown, I say the flour, in the hands of a good housekeeper that could bake bread, she could make very good bread of it. Still it would not be family flour; it would not be flour I would give ten dollars a barrel for; it would be flour I would pay five for; but still it could be made into pretty good bread, if properly handled.

Q. Well, you thought when you left, Capt. Marsh had a decided prejudice against you, did you? A. No; why should he?

Q. Did you think he felt kindly toward you? A. I know he didn't.

Q. Do you think he felt any less kindly than the people you had the trouble with at Station six? A. I don't know whether he did or not. I suppose I gave him indication — very naturally I should, when I asked him for the means of making this complaint — that I should want to have it investigated before I left the institution.

Q. Well, now, Cornelius, I want to ask you this question: do you recollect anybody you have met during the last ten years, with whom you have not quarrelled? A. I do; yes, sir.

Q. Who? A. I have quarrelled with no one unless they began it.

Q. And then you always did? A. I have a perfect right to.

Q. (By Mr. Mellen.) I want to know, Cornelius, if when you were in quarrels you were under the influence of intoxicating liquor. A. I was, sir.

Q. Have you ever been in a quarrel when sober? A. Never.

Q. While at Tewksbury you were not under the influence of intoxicating liquor? A. No, sir; and I had no quarrel there either.

Gov. Butler. [To Mr. Brown.] Now, if you will let me see those letters, please. I want to take them and exhibit them to somebody that knows something about handwriting. [To the witness.] Let me see that book.

Q. (By Gov. Butler.) You say you tore these out of this book? [The pass-book.] A. Yes, your Excellency.

Q. Whereabouts did you write this? A. Down in Tewksbury almshouse, your Excellency.

Q. What place? A. In the place we call the shanty.

Q. You wrote it with pencil? A. With lead pencil, because I had no other material to write it with.

Q. With your own pencil? A. My own pencil, sir.

Q. Did you have two? A. I generally did have two or three in my pocket. [Producing pencils.] I guess, your Excellency, these are about the two pencils I had in my possession at the same time.

Q. These [the pencils] are the ones? Take them back. Now, the words "sorry" and "to" you say you never put in there? A. Never put them down. That is not my handwriting. I could not do that at all.

Q. Now, the date "March 5." you didn't put in there? A. That is not mine. I didn't put it in there.

Gov. Butler. What date do you find on the register he went there, Mr. Brown?

Mr. Brown. The sixth day of March.

Q. (By Gov. Butler.) Well, you didn't write this letter before you went to Tewksbury? A. No, it was only a few days before I came out that I had occasion to write at all.

Q. Do you know who undertook to forge the date there for you? A. I do not. I put these two in an envelope; folded up together in an envelope.

Q. Did you, after you wrote them, lay the two pieces together, and fold them up, or did you fold them up separately? A. As you are doing it now, your Excellency.

Q. It is evident that somebody folded them that way. Did you get any return, any answer to this complaint? A. No, sir.

Q. And after you sent this letter was the time when you were refused a sheet of paper to write to me? A. It was before that I wrote that I was refused for a sheet of paper to write to your Excellency. Did your Excellency, might I ask, did you get that letter?

Gov. Butler. I did not, so far as I know.

The Witness. My mail then must be stopped. I will have to talk about that.

Gov. Butler. And I will help you.

The Witness. But the letter was suppressed. Let them show it, at all events.

Mr. Brown. [To Gov. Butler.] Let me take that letter. [Receives it.] And now let me see that sheet?

Gov. Butler. Certainly.

Mr. Brown. And now let me see that book.

The Witness. Certainly.

Gov. Butler. You will see that the cross-lines run in the same way on both sheets.

Mr. Brown. I am going to call the committee's attention to it.

The Witness. You can see this [another book], too, if you want to.

Gov. Butler. Do you find the envelope?

Q. (By Mr. Brown.) Do you mean to say that those two sheets came out of one book? A. Certainly.

Mr. Brown. Mr. Chairman, I wish that this book be impounded, with those two sheets of paper.

The Chairman. Put them together.

The Witness. That was a flyleaf. To make sure, the size — I have two books — to make sure of the size it must be out of that that they came, for this is a smaller size.

Gov. Butler. We will take care of that.

Q. (By Gov. Butler.) I want to ask you this question. Has this French Joe, who is a pauper, the charge of the storehouse of Commonwealth property in this institution? A. Decidedly, your Excellency.

Mr. Brown. Wait one moment. Is he a pauper, Governor?

Gov. Butler. I guess he isn't by this time.

The Chairman. It has not yet appeared.

Q. (By Gov. Butler.) Was he once, did you say? A. Yes, your Excellency.

Q. (By Mr. Brown.) How do you know that? A. By hearsay; of course the books will prove it, whether he was in the institution.

Q. (By Gov. Butler.) Do you know what his full name is? A. No, sir. That is the name he goes by; I know him by no other.

Gov. Butler. Will you, Mr. Brown, ask the clerk what his full name is?

Mr. Charles B. Marsh. Joseph Howard.

Gov. Butler. Will you now look in there and see whether he has ever been recorded a pauper?

Mr. Brown. It will be in an earlier book than this.

Gov. Butler. I beg your pardon.

Mr. Brown. It is not in either of these books. If you can find it, the books are at your service.

Gov. BUTLER. I know; I have charge of them.

Mr. BROWN. When I tell you his name is not there and you think it is, I want you to produce the book that has the name, if you have it.

Adjourned until Monday, April 30, at 9.30 A.M.

EIGHTEENTH HEARING.

MONDAY, April 30.

The committee met in the Green Room at 9.30 A. M., Senator LORING, of Worcester, in the chair.

The CHAIRMAN. A quorum of the committee appears to be present, and the hearing will proceed.

LORENZO S. FAIRBANKS (*sworn*).

Direct examination by Gov. Butler.

Q. Your full name? A. Lorenzo S. Fairbanks.

Q. And your place of business is where? A. No. 17 State Street.

Q. You are a lawyer, I believe? A. Yes, sir.

Q. Have you been employed as an expert in handwriting before the courts? A. I have, very frequently.

Q. And for how long a time? A. Oh, at different times, for fifteen or twenty years.

Q. Made the matter a study? A. A special study on occasions, not as a profession.

Q. I suppose that includes looking into and examining writing; looking into papers to see how they are, apparently? A. Yes, sir.

Q. And you have been employed by me for this purpose in this investigation? A. Yes, sir.

Q. Here is the book of O'Brien, and a letter. [Handing book and paper to witness.] In your judgment, sir, did those leaves of that letter come out of this book? A. They did, I think.

Q. Is there any doubt about it in your mind? A. No doubt, whatever.

Gov. BUTLER. [To Mr. Brown.] Will you see if in the places marked, or some of them in that book, the handwriting is that of Mr. Thomas J. Marsh, Sr.?

Mr. Brown. I don't propose to admit anything of that kind for the purpose for which you desire it. If you want to prove his handwriting, I submit you must prove it in the proper way.

Gov. Butler. I ask it simply to save time.

Mr. Brown. I don't know. I never saw Mr. Thomas J. Marsh's handwriting in my life, to my knowledge; or, at least, not more than once, and that was two or three weeks ago. If I was familiar with his handwriting I would admit it.

Gov. Butler. [To witness.] Step down, sir, a moment. Charles Marsh?

Charles B. Marsh (*recalled*).

Direct examination by Gov. Butler.

Q. Have you ever seen that book before? [Handing book to witness.] That is one of the books I found in your delivery? A. That is one of the books I sent you; yes, sir.

Q. Whose book is that? A. That belongs to the institution; it is the superintendent's expense account.

Q. Look at the first page and read the first item, and tell me whose handwriting that is? A. "Thomas J. Marsh, Tewksbury, July 12, 1858."

Q. Whose handwriting is that? A. I should say that was my father's writing.

Q. Any doubt about it? A. I should not say there was.

Q. Frequently seen him write? A. I should say so.

Q. Won't you now turn to the pages where somebody has put in those memoranda, those marks, and see the handwriting on those pages. A. I don't see anything on that page that is his handwriting.

Q. Take it on the other one, the next side, the next page; how is that? A. I don't see anything there, sir, that I recognize as his writing.

Q. Whose is it; do you know? A. I should say that was a clerk who was there long before I went to the institution, and I only know him —

Q. Very well, look further, sir. A. [Turning to another page.] None of his writing on that page, sir.

Q. Go further, sir. A. [Turning to another page.] I should say some of that was his, and some was mine.

Q. Either his or yours? A. Yes, sir.

Q. Won't you take a pencil and just mark what you say is his? A. Just put a check against his?

Q. Exactly; yes, sir. A. That is all on this page. [Marking them.]

Q. Give me the date and then I shall know. A. This is October, 1864, I should think.

Q. Now go to the next page. A. That is all on that page. [Marking them.]

Q. Now, try the next. A. None on that page.

Q. What is the date there? [Referring to another page to which witness had turned.] A. I am not so particular in giving the dates as I used to be; I don't see any date here, nothing but the month; no year.

Q. Just turn down a leaf there, a corner of the leaf. A. The month seems to be December, but the year is not down. I will only mark what I am sure about; there are some there that I am in doubt about. [Marking in another place.] Shall I go right through the book?

Q. You may try one more. A. This seems to be 1866; that is all I see on that page.

Gov. Butler. That is enough, I think, for comparison; that will do, sir.

Mr. Brown. If you will let me see the book, Governor.

Gov. Butler. Now, Mr. Fairbanks, you may take the stand, sir.

Lorenzo S. Fairbanks (*recalled*).

Direct examination by Gov. Butler.

Q. I find a date on this letter, March 5, M-a-r. 5; is that in the handwriting of Mr. O'Brien? A. Assuming that Mr. O'Brien wrote this? [Referring to the letter.]

Q. Yes. A. I don't think it is the same handwriting.

Q. How certain do you feel about that? A. I am confident it is not the same handwriting.

Gov. Butler. [To Mr. Brown.] Now, if you will let me have that book.

Mr. Brown. Excuse me one moment.

Q. Have you examined this entry of Mar. 5 in comparison with the writing on the first page of that book and other places which you will see marked? A. I have; taking the first page and numerous pages through this book.

Q. Whether you will state whether that is the same handwriting as in that book?

Mr. Brown. Now, Mr. Chairman, I pray the judgment of

the committee. Is there any such issue as that involved in this case? I simply asked Mr. O'Brien if the words "March 5" were in his handwriting, and he said they were not. Now, that date has never been put in issue in any matter I know anything about. If the governor thinks it is material, however, I won't press the question.

Gov. Butler. It is this, may it please your Honor, —

The Chairman. Go on, Governor, with the examination.

Gov. Butler. You may answer the question, sir.

The Witness. Shall I refer only to the pages that have been indicated here?

Q. You may look at the pages indicated. You will see leaves turned down, and you will see where the marks are, sir, where they are checked. A. It is in the same handwriting as I find on page beginning "Oct. 3."

Q. The same that is checked? A. I don't see where the checks are.

Mr. Brown. I pray the judgment of this committee whether this witness is to be instructed.

Gov. Butler. Where am I instructing him except to look for certain matters? It is simply impudent and impertinent, both.

Mr. Brown. Thank you.

Gov. Butler. Quite welcome.

The Witness. Same as I find on page beginning "Dec. 1"; same as I find on page beginning "Feb. 7."

Q. That is enough for our purpose. Now, sir, will you state to me whether, in your judgment, the "Mar. 5" on this letter is in the same handwriting as that handwriting you have examined? A. It is; that is my opinion.

Q. Any doubt about it in your mind? A. I have no doubt about it.

Cross-examination by Mr. Brown.

Q. Where is the "Mar. 5"? A. That is "Mar. 5." [Pointing to it.]

Q. Now, won't you tell me what you found in that book with which you compared that "Mar. 5"? A. Particularly the M's.

Q. No, I mean turn to the pages in that book where you found the handwriting with which you compared with those words "Mar. 5," and I would like to have you put your initials on every one of such pages where you found any handwriting

which you adopted and, as the result of your examination, said that the "Mar. 5" and that handwriting so found was the same. Put it in large letters, so we will find it without difficulty. A. "L. S. F." I don't know as I shall turn to the same ones; I may find others.

Q. You didn't go clear through the book. [Referring to the examination the witness had just made.] A. I didn't go any further than this.

Q. You haven't been now to the last place where you put in a yellow slip.

Gov. Butler. You think he put those in. He did not put them in. They were put in for another purpose.

Q. Now, I will ask you, for what purpose were those yellow slips put in that book, if you know? A. To indicate to me the standards that were to be used.

Q. To indicate to you the standards you were to use. Who put them there? A. I don't know, sir.

Q. Did you put them in there? A. No, sir.

Q. Did you find on every page, on all the pages indicated by those yellow slips, the standards that you wanted? A. I didn't want any standards.

Q. Did you find that handwriting on all the pages where you have put in the yellow slip? Be kind enough to look and see, and tell this committee. A. I didn't put in the yellow slips.

Q. Where a yellow slip is found, Mr. Fairbanks, did you find on the page, on the right or on the left, the same handwriting as "Mar. 5"? A. I cannot say I did in every one.

Q. Will you look and see, and if you didn't in every one, point out those where you did? A. I did in the first one.

Q. Where is that? A. I will mark that; I didn't mark it before.

Q. Mark it in large letters. A. I will make my initials, L. S. F.

Q. Now, will you underline, with a double line of lead pencil, the letters which you find in the same handwriting as "Mar. 5"?

Gov. Butler. The letters or lines?

Mr. Brown. The letters and lines both.

A. [Marking.] Is that satisfactory?

Q. Yes, that is satisfactory. That is all you find, is it? A. It will take me a week, perhaps, to go through.

Q. Go on to the next page, and see if you found anything

on the next page — the next page where the yellow slip is; see what you found on there; on those pages.

[The witness marked on the book.]

Q. Now, turn to the next page with the yellow slip; will you tell me, Mr. Fairbanks, what these red lines mean on the pages where you have put it in? A. I didn't put it in, sir.

Q. You don't know anything about who did? A. No, sir.

Q. Have you been instructed why it was put there? A. No, sir.

Q. Have you been informed that those words underlined with red pencil have been selected as the words which are in the same handwriting as the words "Mar. 5"? A. No, sir; I had no information whatever on the subject.

Q. And had no conversation with anybody upon that subject? A. No, sir. I was pointed out, in the usual way, certain things that was to be compared with as standards.

Q. Now, what was pointed out to you? A. Why, the whole pages where those slips are.

Q. The whole pages where these slips are? A. Perhaps I ought to qualify that. It was stated to me that certain portions of these pages were not to be considered as standards; they were supposed to be in somebody else's handwriting.

Mr. Brown. Does this go to the committee?

Gov. Butler. Not yet; no, sir.

Q. Now, won't you be kind enough to tell me if that was the extent of your inquiry in regard to that letter and your investigation, — that letter marked "Mar. 5"? Have you now stated all the matters that you were inquired about concerning that letter? A. No, sir.

Timothy Kelliher (*sworn*).

Direct examination by Gov. Butler.

Q. You went to Tewksbury about how long ago? A. About ten years, as long as I can remember; I don't know the dates.

Q. How long did you stay there the first time, or all the time? A. I could not exactly tell, sir, how long I stopped there; couldn't tell exact dates.

Q. I only ask you generally; I don't suppose you can. Now, were you sent from there to Bridgewater? A. Yes, sir.

Q. For how long? A. Twenty-four months.

Q. Did you stay at Bridgewater? A. I stayed there twenty-three months.

Q. How soon after you were discharged from Bridgewater did you return to Tewksbury? A. Eight or ten days.

Q. Have you been there ever since? A. No, sir; I have been for four or five months out of it.

Q. What? A. I have been four or five months out since that. I left there last Saturday.

Q. Do you remember the date you were sent to Bridgewater, or about? A. 1879, sir; I think about March, 1879.

Q. And returned to Tewksbury, if I understand you, in eight or ten days after you left Bridgewater, — that would be about 1881? A. Yes, sir; February.

Q. February, 1881? A. Yes, sir.

Q. How long did you stay at Tewksbury? A. Stayed there till, I believe, I left there last August, sir.

Q. Last August? A. Went back in December or January; I don't remember the exact dates.

Q. And you are there now? A. I left there, Saturday, sir.

Q. When you went there the first time what was your employment, if you had any? A. Well, the first thing I done I worked in the cook-house: from that I went into the employ of the Captain, private coachman, for about three or four months; then I went into the undertaker business and general work.

Q. In the undertaker business did you have the care of the chapel? A. Yes, sir.

Q. And the burying of the dead? A. Yes, sir.

Q. Did you go to Boston with Mr. Billops and Chase? A. I went went with Mr. Billops twice to Boston, and twice with Chase, Joseph Chase.

Q. For what purpose? A. Just went into the college with them; I went with Billops twice to show him the way.

Q. To show him the way to Boston? A. Yes, sir.

Q. I suppose he could find his way to Boston; to show him any particular place in Boston? A. To show him a short way to go there, short cuts around the city.

Q. Billops and Chase were the men who were carrying the bodies; do you know one of the trustees, or a man who was one of the trustees, who lived at Lawrence, Mr. Spalding? A. Yes, sir.

Q. Were you ever sent there with anything from the almshouse? A. Never but once.

Q. What were you sent there with, then? A. A couple of chickens, I believe it was.

Q. Do you know whether he had his horse shod at the almshouse? A. Had him shod there once, to my knowledge.

Q. No more? A. No, sir.

Q. Do you know Harry Marsh, the son of Thomas Marsh, Jr.? A. Yes, sir.

Q. Was his washing done at the almshouse? A. I believe it was, sir; it used to come from Boston there.

Q. Come from where? A. Came from Harvard College there.

Q. He is a grandson of the old gentleman? A. Yes, sir.

Q. Do you know what was done with the cases which came from the State prison with bodies in them? A. Well, they were sold, sometimes, for two and three dollars apiece.

Q. What was done with the bodies? A. The bodies were buried; what I had.

Q. What? A. All them was buried what I had.

Q. What was done with the others? A. What do you mean, the State prison?

Q. Yes. A. All I had was buried, sir.

Q. Who got the money for the cases? A. Thomas J. Marsh, Jr.

Q. About how many were left on hand when you left there? A. I should judge there was eight remaining when I went to Bridgewater.

Q. About how many do you know were sold? A. I suppose I sold about fifteen, I should judge.

Q. We have been told by Mr. Charles Marsh that his family lived outside. A. Sir?

Q. We have been told by Mr. Charles Marsh that his family lived in a house outside. A. So they did, sir.

Q. Where was his washing done, the washing for his family? A. It was done at the almshouse.

Q. Do you know whether provisions were carried from the almshouse to his house? A. I don't know provisions were carried; I have seen baskets going down there mornings.

Q. Every morning? A. I didn't see it every morning; I saw it very often; couldn't tell what was in them.

Q. What? A. I couldn't tell what was in them.

Q. Baskets, — who carried them? A. A man who works

there in the kitchen, I don't know his name; he was a Swede or Dane; Andrew was his first name.

Q. Did you see the baskets when they came back? A. Yes, I saw the baskets come back empty.

Q. How do you know they were empty? A. I could tell by the way he carried them.

Q. Then you could tell whether they were full when they went away? A. They acted as though they were full, to me.

Q. What? A. They acted as though they were full.

Q. Hear anything when they were taken or coming back rattle in them? A. I heard dishes rattle when they came back.

Q. I want you to tell me whether you ever dug up a body to be pickled? A. I dug up one, sir.

Q. When was that? A. I couldn't tell the date: I kept no date.

Q. About when; before or after you went to Bridgewater? A. Before I went to Bridgewater.

Q. How long had that body been buried? A. Buried about a week or ten days.

Q. At whose direction did you dig it up? A. Thomas J. Marsh, Jr.

Q. Who pickled it? A. Well, there was a man who came from New York; the man had some patent stuff to embalm; he was the one who done it.

Q. What was done with the body then? A. Sent to the Female Medical College.

Q. Do you know under whose order? A. No, sir.

Q. Do you know who it was sent to; what doctor? A. I know the janitor came for it.

Q. The janitor sent for it? A. The janitor came for it.

Q. The janitor came after it? A. Yes, sir.

Q. Who was there at the time that was done? A. Dr. Hastings.

Q. Dr. Hastings? A. Caroline Hastings.

Q. Dr. Caroline Hastings? A. Yes, sir.

Q. Well, sir, let us try another of the trustees; did you take any chickens over to Mr. Elliot's? A. Once, sir.

Q. Were there Thanksgiving turkeys or Thanksgiving provisions sent to the trustees from the almshouse? A. That is the only provisions I saw go.

Q. What? A. That is the only provisions I saw go, and them two chickens.

Q. Did you know anything about any other? A. No, sir.

Q. Did you know of a lot of bags of fertilizer going over to Mr. Elliot's farm? A. I saw some he bought was weighed out there.

Q. What? A. I saw some was bought there, was weighed out for him.

Q. Some was bought and weighed out to him? A. Some he bought came in the lot.

Q. It came with a lot of fertilizers to the farm? A. Yes, sir.

Q. To the institution; about what time was that? A. I don't know the exact dates; it was in the spring.

Q. Before or after you went to Bridgewater? A. After I came from Bridgewater.

Q. State whether you buried the people that were buried, the most of them? A. Did I bury them?

Q. Yes. A. I did, sir; while I was at the business.

Q. How long were you at that business? A. I should judge I was five or six years, all told, off and on.

Q. Did you ever put any children's bodies in the coffins with grown people? A. On one or two occasions.

Q. Have you ever dug up more than that one dead body? A. No, sir.

Q. Have you known any instances where paupers have come without anything, and then, when they went away, take bundles with them? A. Yes, sir.

Q. Frequently, or otherwise? A. Frequently.

Q. Whether Dr. Lathrop's brother-in-law has spent considerable time at the almshouse? A. Yes, sir, he has; considerable time.

Q. How long would he stay at a time? A. I should judge he was there three or four weeks the last time he was there.

Q. Do you know Mr. Henry Moulton? A. Yes, sir.

Q. He is of Lowell, now? A. Yes, sir.

Q. Is he the man who edits the "Citizen," do you know? A. I believe he is, sir.

Q. Whether he spends Saturday night and Sunday at the institution? A. I have seen him there occasionally, not to stop there.

Q. Pretty regularly every Sunday? A. He came down in the morning and went back at noon, probably.

Q. Sometimes came down Saturday night? A. A few occasions he came down Saturday night.

Q. Whether the paid help, the officers, had their shoes repaired, had shoes and clothing repaired at the almshouse? A. A good many of them, sir, had their shoes repaired there.

Q. Miss Etta Davis, — do you know how considerable part of the time she lived at the almshouse? A. She lived there considerable till she got married and then she left there.

Q. When did she leave? A. Could not tell you, sir, the date.

Q. And after she left, did her sister Gertie come? A. Yes, sir.

Q. Have any of them been there, — Lathrop's brother-in-law, Moulton or the Davis girl, — any of them been there since the investigation commenced? A. I didn't see any of them there, sir.

Q. Now, sir, when the governor and council or a committee of the legislature from Boston came there, whether there was any notice given to the help? A. Generally found it out; had no notice of it.

Q. How? A. I don't know, sir; it went around the institution three or four days before they came.

Q. Clean up then a little? A. Well, yes, sir.

Q. At such times was there a caterer brought up from Boston? A. On one or two occasions I see caterers there.

Q. Do you know whether there are any books of account anywhere in Tewksbury belonging to the almshouse? A. Not as I know of, sir.

Q. Do you know where any were that were owned in the institution? A. No, sir; I don't know.

Cross-examination by Mr. Brown.

Q. Mr. Kelliher, when did you first go to Tewksbury, can you recollect? A. No, sir; I can't recollect the date.

Q. Wasn't it on the twentieth of April, 1874? A. It may be, sir.

Q. And weren't you discharged on the thirty-first of July, 1874? A. I don't know, sir; couldn't recollect the dates.

Q. How many times have you been there in all? A. I should judge five or six times.

Q. Now, didn't you go on the twelfth of January, 1875, and were you not discharged on the eighteenth of May, 1875, something like a year after you went there the first time? A. Could not tell you, sir.

Q. Now, whether or not you were not there again, in November, 1875, and sentenced on the seventh of March, 1879? A. I was sentenced March, 1879; yes, sir.

Q. Now, what were you sentenced for? A. I got into trouble there.

Q. What kind of trouble? A. Got into a woman scrape.

Q. At the almshouse? A. Yes, sir.

Q. And you were sentenced to Bridgewater? A. Yes, sir; for twenty-four months.

Q. Then you came back to Tewksbury, did you not, on the ninth of February, 1881, and remained there till the twenty-third of August, 1882? A. Yes, sir.

Q. Then you came back again on the twenty-second of January, 1883? A. Yes, sir.

Q. And were discharged, as you say, on Saturday?. A I was not discharged at all, sir.

Q. How came you out? A. I went up to Lowell and stayed there.

Q. That was last Saturday? A. Yes, sir.

Q. Now, before you went away on Saturday had you been requested to come here as a witness? A. No, sir.

Q. Had you been informed that by coming here as a witness you would get a witness fee? A. No, sir.

Q. And do you mean to say that you didn't know before Saturday that if you could get here as a witness you would get a witness fee? A. No, sir.

Q. Did not? A. No, sir; I was told Saturday afternoon when I was summonsed; that is all.

Q. That you would get a witness fee? A. Yes, sir.

Q. But never knew it before? A. No, sir.

Q. Haven't you heard conversation in the institution among the paupers there that if they could make a complaint and get summoned here they could get a fee, five cents a mile, or something like that, for travel, and get a fee per day as a witness? A. No, sir; I never heard of it.

Q. Never heard of it? A. No, sir, only one man, and that was French Joe, Joseph Howell, he said there was a witness fee, and that is all the conversation I heard about it.

Q. Never heard anybody else? A. No, sir.

Q. No other person? A. No, sir.

Q. Never heard Cornelius J. O'Brien say anything about that? A. No, sir; I never spoke to Cornelius J. O'Brien till this morning.

Q. Never spoke to him at Tewksbury? A. No, sir; never spoke to him at Tewksbury.

Q. Can you recollect when it was that you took the two chickens to Lawrence? A. No, sir; I can't recollect the date.

Q. What year was it? A. Before I went to Bridgewater; 1878 or 1879, I suppose; I don't recollect the exact dates.

Q. Was it 1878 or 1879? A. 1878, I guess.

Q. And when was it you took the chicken to Mr. Elliot? A. About the same time.

Q. About the same time? A. Yes, sir.

Q. You don't know anything about what the chicken was? A. No.

Q. Nor whose it was, nor anything about it? A. No, sir.

Q. Now, you spoke about paupers going there without any clothing, and going away with bundles; do you know what was in the bundles? A. No, sir; I don't know what was in the bundles, but I know they took pretty big bundles.

Q. Large bundles? A. Yes, sir.

Q. But you don't know what was in them? A. No, sir.

Q. Don't know whether it was clothing that had been sent them by their friends or what it was, or whether it was something they got at the institution? A. It was something they got at the institution.

Q. How do you know that? A. I am sure of it.

Q. How are you sure of it? A. Because I know they didn't have anything sent them.

Q. How do you know they didn't have anything sent to them? A. I saw them with the stuff, collecting it and packing it away.

Q. How do you know that the stuff was not sent to them? A. Of course I could not swear it was not sent to them, but I can swear I saw them collecting stuff, just the same — institution stuff.

Q. That is all I want to get at. Now, you always had employment, while there, didn't you? A. I generally had work while I was there till this time; I didn't do much this time.

Q. Why not? A. I was in the shoemakers' shop; I wasn't doing much.

Q. Now, will you tell me what has been the occasion of your going to Tewksbury these five different times? A. Well, sir, I had been sick when I first went there.

Q. Then you came out, and why did you go the second time? A. Same thing.

Q. You were sick? A. Yes, sir.

Q. Unable to support yourself? A. Yes, sir.

Q. Have you any family? A. No, sir.

Q. Any brothers or sisters in the Commonwealth? A. No, sir; not in the Commonwealth; I have in Connecticut.

Q. What has been your business when you were not in the almshouse? A. Well, driving team.

Q. Where? A. Laboring; working.

Q. Where? A. I drove team in the city of Boston.

Q. For whom? A. Frost & Co.

Q. And who else? A. Well, I drove the team for Dailey & Co.; he is dead, though, now.

Q. Who else? A. These are the two I mostly drove team for.

Q. In Boston? A. Yes, sir.

Q. Have you worked anywhere else in the Commonwealth except in Boston? A. No, sir; except in Lowell.

Q. And who did you work for in Lowell? A. Major Emery.

Q. What doing? A. Feeding horses.

Q. Anywhere else in the Commonwealth except Boston and Lowell? A. The Hoosac Tunnel Railroad, that is all.

Q. When was that? A. When they were laying the double track; I can't exactly tell the date; I left Tewksbury and went there to work, direct.

Q. You left Tewksbury and went there to work? A. Yes, sir.

Q. Can you fix the date, please? A. No, sir, I can't.

Q. What did you do? A. I worked on the track.

Q. Was it double-tracking the tunnel? A. No, sir, laying new rails right through the tunnel; right through to —

Q. Who was your overseer or boss? A. N. C. Munson.

Q. Now, let me ask you again, haven't you been there six times? Didn't you go there on the 4th of April, 1874, and were you not discharged on the 6th of April, 1874; two days, the

first time; and then went back on the 20th of April? A. I don't remember that, sir.

Q. Don't remember that? A. No, sir.

Q. During any of these times you have been to Tewksbury have you ever known a person in Tewksbury by the same name as yours? A. Yes.

Q. Who? A. No, sir; there was. — when I first went there there was a man who went there for a night's lodging, and they thought I was the one; had the same name I had: I was told so.

Q. But no one who stayed there more than to get a night's lodging had the same name as yours? A. Not as I know of.

Q. As far as you know? A. My last name was there, but not my first.

Q. Your first name is Timothy? A. Yes, sir.

Q. Any middle name? A. No, sir: I have a middle name, but I never use it.

Q. You what? A. I have a middle name, but I never use it.

Q. What is it? A. Benedict, but I never use it.

Q. Timothy B.; now, at all these places where you have been employed you have gone by the name of Timothy Kelliher? A. Yes, sir.

Q. Timothy B. Kelliher? A. No, sir; Timothy Kelliher.

Re-direct examination by Gov. Butler.

Q. I want to ask you a few questions on a subject brought out by brother Brown. You say you saw them gathering up the bundles, some of these paupers? A. Yes, sir.

Q. What would they gather up, sir? A. Overalls and pants, and such articles as them, and new shoes.

Q. And what? A. And new shoes.

Q. Were those the overalls and pants that belonged to the institution? A. Yes, sir.

Q. Where did they get them? A. Got them in the bathroom, I suppose, where the clothing is.

Q. Got them where the clothing is? A. Yes, sir.

Q. Who has charge of that clothing? A. A man by the name of Joseph Howell.

Q. Commonly called French Joe? A. Yes, sir.

Q. How long has he had charge of them? A. I don't know; he was there before I ever went there.

Q. He was there before you went there, and has been in charge ever since? A. Yes, sir.

Q. He was, when you left? A. Yes, sir.

Q. Did French Joe know what they were about? A. No, they didn't do it in his presence: it was done underhanded.

Q. What? A. It was done underhanded; he didn't know anything about it.

Q. Done underhanded? A. Yes, sir.

Q. How much of this gathering was there; how frequently would this happen? A. Very often, sir.

Q. Did you know of French Joe selling clothing to the inmates? A. No, sir; I don't believe he ever sold a thing there.

Q. And you have now given us the reason why you knew these bundles were not sent by friends? A. Yes, sir. I don't think they were sent by friends; they might, some of them, have things sent by friends, but I guess the whole of them didn't.

Q. How certain do you feel about that, Kelliher; how large a proportion of the bundles that you saw did you see them gather up now and then? A. I don't know, sir.

Q. Did you report it to anybody? A. No, sir; I didn't.

Q. They took the bundles with them, I suppose? A. Yes, sir.

Q. Now, you have been asked about being sentenced? A. Yes, sir.

Q. I did not ask you about that; I will, now. What were you sentenced for? You said about a woman scrape, but that is rather indefinite; suppose I put the question, now, were you sentenced as the supposed father of a child? A. Yes, sir.

Q. Upon whom; who was the girl? A. Her name was Mary Daley.

Q. Was she an inmate? A. Yes, sir.

Q. Employed in the kitchen? A. Yes, sir.

Q. Well, sir, were you the father of her child? A. I suppose so.

Q. What makes you suppose so; because you were sentenced? A. Yes, sir.

Q. Any other reason? A. Yes, I suppose so.

Q. What? A. I suppose so; she fathered it, anyhow.

Q. What? A. She fathered it and I had to stand it. I might as well, because there was no appeal from that court.

Q. What? A. There was no appeal from the court, so I might as well shut up.

Q. No appeal from the court? A. No, sir.

Q. Did anybody give you any money about the time you went to Bridgewater? A. No, sir.

Q. Did you show any? A. No, sir; I had some money with me; I had three dollars of my own.

Q. How many? A. About three dollars of my own.

Q. Now, Kelliher, didn't you, when you went away, show some bills in the presence of more than one person and say, "This shows who the father of that child was?" A. No, sir; I never used any such words.

Q. Did you show the money? A. No, sir.

Q. Sure about that? A. Yes, sir; I am.

Q. State anything on that subject? A. No, sir.

Q. You have been very well treated there, haven't you? A. Yes, sir; I have been treated well enough.

Q. Did you have food from the other table? A. I had food there the same as the other inmates had, only I eat in the kitchen, that is all.

Q. Only you eat in the kitchen? A. That is all, sir.

Q. You didn't eat in the dining-room? A. No, sir.

Q. Of course the hospital part of the food was good enough, wasn't it? A. Well, I didn't see much fault with it.

Q. You were, you say, private coachman for Mr. Marsh? A. That was the first thing I done; I was under pay there, for a little while, in the same business

Q. You were under pay? A. Yes, sir.

Q. As private coachman for Mr. Marsh? A. To do his driving.

Q. To do his driving? A. Yes, sir.

Q. Drive out the family? A. Yes, sir.

Q. Do any other driving but driving for the family and for Mr. Marsh? A. No, sir, except to take the matrons out, sometimes.

Q. What? A. Took some of the matrons out, sometimes; that is all, sir.

Q. Either the family or the officers? A. Yes, sir.

Q. Some of the matrons; and what sort of a carriage did you drive? A. I used to have an open wagon and a couple of carryalls, single carryalls.

Q. That is all the driving you did? A. Yes, sir.

Q. And got pay; who paid you? A. I got my pay in the office from Thomas J. Marsh.

Q. Thomas J. or Charles? A. Thomas J. Marsh.

Q. The old man? A. No, sir; senior.

Q. What? A. Junior, I meant to say.

Q. Did you give receipts for your pay? A. Yes, sir; I signed a receipt.

Q. On a separate piece of paper or on the pay-roll? A. Regular pay-blank.

Q. The same as all the rest of the paid hands? A. Just the same as the rest of them.

Q. When were you there as a paid hand? A. I guess it was in 1875, I think.

Q. How long did you continue to be the private coachman of Mr. Marsh and have your name on the pay-roll? A. About four months.

Q. What? A. I had pay for four months; three or four months.

Q. Three or four months? A. Yes, sir.

Q. And did you do any other business except to take care of Mr. Marsh's horses and drive them? A. Not then I didn't; after this I went into the other business: general work.

Q. You went into the undertaker business? A. Yes, sir; general business around.

Q. Were you paid for that? A. No, sir.

Q. Got nothing for that? A. No, sir.

Q. How was that? A. No, sir; I didn't get anything.

Q. You never got a dollar? A. No, only what chances I made there.

Q. What? A. What chances I got, that is all.

Q. What chances did you get? A. I used to get chances on funeral jobs.

Q. On what? A. On funeral jobs; folks come for remains; I used to get considerable change that way.

Q. You got chances on funeral jobs? A. Yes, sir.

Q. How much did that net you: was that, on the whole, better than driving? A. Yes, sir; I guess it was, sir.

Q. Know it was, don't you? A. Yes, sir.

Q. Did Thomas J. Marsh, Jr., give you anything? A. On a few occasions he gave me a little change, sir.

Q. What do you mean by a little change? A. Once in a while he would give me a dollar or two.

Q. Nothing more? A. No, sir.

Q. Did Manning give you anything? A. No, sir; never received anything from Manning.

Q. Nothing from him? A. No, sir.

Q. (By Mr. Brown.) I want to ask you a single question. In looking over this record again I find that on the first occasion when you went, April fourth, and were discharged April sixth, you were sick when you entered? A. Yes, sir.

Q. And you were discharged as well? A. No; I was discharged because I took my discharge.

Q. Well, now, when you went there April 20th, 1874, and remained till July 31, — you were sick at this time, and were discharged July 31st because you had recovered, were you? A. No, sir; I took my discharge.

Q. And the same with regard to your discharge on the eighteenth of May, 1875? A. Yes, sir.

Q. Now, you spoke of eating your meals in the kitchen. A. Yes, sir.

Q. You mean in the large general kitchen where all the food is cooked for the institution, do you not? A. Yes, sir.

A. Now, sir, I will ask you this question: during all the time you were at Tewksbury did you ever see any lack of food, either of quantity or quality? A. No, sir; I did not.

The Chairman. I don't quite understand what sort of a woman scrape can send a man to Bridgewater for twenty-four months; was it adultery? Had he committed adultery or fornication, or was it a bastardy case?

Gov. Butler. No, it was simply for being the father of a child he could be sent. It is abolished now by law. They used to have a trial justice in the institution.

The Chairman. Ordered to give bonds, and, in case he does not, he can be committed; but can he be committed to Bridgewater under that law?

Gov. Butler. Yes, they could be sent to Bridgewater; that is abolished now. They abolished the trial justice that used to be there.

The Chairman. Then, it was a bastardy process?

Gov. Butler. Yes, sir.

TESTIMONY OF JOEL BALDWIN (*sworn*).

Direct examination by Gov. Butler.

Q. What is your first name, Mr. Baldwin? A. Joel.

Q. What is your business? A. I am a station agent.

Q. You have been station agent on what road? A. The Boston & Maine.

Q. Near Tewksbury? A. Yes, sir.

Q. I asked you to bring your freight book here. Have you got it? A. Yes, sir. [Producing the book.]

Gov. BUTLER. We will take a few items. I want you to open to Sept. 18, 1878.

Q. (By Mr. BROWN.) Is that your handwriting, Mr. Witness? A. No, sir.

Q. (By Gov. BUTLER.) Is that the book kept by the station agent? A. Yes, sir.

Q. In the regular course of business? A. Yes, sir.

Q. Of the freightage over that road? A. Yes, sir.

Q. Who does make the entries if you don't? A. There has been a man there before I was.

Q. Do you know where he is? A. No, sir.

Mr. BROWN. If you will tell me what you want to prove I may be willing to admit it.

Gov. BUTLER. I have asked for one admission, I don't ask for another. When you won't admit your client's handwriting, I am done.

Mr. BROWN. I told you the reason; because I didn't know.

Gov. BUTLER. Well, you don't know about this.

Mr. BROWN. I do know; I know it is not this man's handwriting. He says it isn't.

Q. (By Gov. BUTLER.) You found this freight-book there? What time did you go there, sir? A. In 1880.

Q. Do you know where this man is? A. No, sir.

Q. Who is he? A. William Connor.

Q. Did you ever hear of his death? A. No, sir.

The CHAIRMAN. This involves the looking up of another witness, and it seems to me the book ought to be admitted if it is the regular freight-book.

Mr. BROWN. I have not the slightest objection to the admission of the book if the witness had been there in business at all. But it seems he was not there in business at all.

The CHAIRMAN. It may involve the looking up of the other man, Connors, if we do not admit the book.

Gov. BUTLER. This is a book kept by the freight agent in the regular course of business. I have seen it frequently admitted, because it would be impossible almost, in our railroad business, to try cases without it.

Mr. BROWN. I should not object if this man had been there on duty at the time. But he was not there on duty, and he knows nothing about it. He finds this memoranda. Now these goods may have been brought to that depot and taken back, or may never have gone over the road at all. The entry does not prove anything.

Gov. BUTLER. No. sir: this book shows freight forwarded, consigned to, description, weight, amount payable at station, sent to, sent from, expenses, etc., page by page.

Mr. BROWN. Which do you want to refer to?

Gov. BUTLER. Oh, there are a good many of them. I will take this one. I want one of Sept. 18, 1878. [To the witness.] Won't you find Sept. 18, 1878? I want to put in the entry made that date.

Mr. BROWN. You may put it in.

Gov. BUTLER. [Reading.] "To Exeter, Sept. 18, 1878, Mrs. M. A. Davis one barrel merchandise, one hundred and fifty pounds weight, freight twenty-five cents."

Now turn to Oct. 18, 1878.

Gov. BUTLER. [Reading.] "Mrs. M. H. Davis, two barrels of apples, three hundred pounds weight, freight paid at the station sent from, thirty-nine cents." The other one was from the station sent to.

Now, if you will look at December 20, 1878.

Gov. BUTLER. [Reading.] "Mrs. Kate L. Atwood, Exeter, December 20, 1878, No. 2 Lincoln Street, one hat-rack, two hundred and fifty pounds weight, freight paid at the station sent from, thirty-two cents," — I think.

Now, look at August 26, 1881. That will come in your line.

Gov. BUTLER. [Reading.] "Charles E. Atwood, Exeter, N. H., to Exeter, August 26, 1881, one box, one hundred pounds, twenty-five cents, paid at the station sent from."

Now, November 27, 1878.

Gov. BUTLER. [Reading.] "Dr. George E. Putney, to Reading, four cases and one trunk of merchandise, nine hundred pounds, sixty-three cents, paid from station sent from."

Now, if you will look at September 10, 1879.

Gov. BUTLER. [Reading.] "Dr. George E. Putney, one baby-crib, four hundred pounds, twenty-five cents freight."

Q. (By Gov. BUTLER.) Well, I see you were accustomed to put down the weight. Were you accustomed to weigh it? A. No, sir.

Q. The weight was taken and the charge was made according to weight? This was before your time. Did you ever happen to see a baby-crib that weighed four hundred pounds? A. No, sir; I can explain that. We have to make out bills at twenty-five cents, and it is so much a hundred. We may call it what we have a mind to, and call it twenty-five cents. It makes no matter whether it weighs fifty pounds or four hundred.

Q. But you weigh it to find out, I suppose? A. No, we guess at it.

Q. You have been there since when? A. Since 1880.

Q. What time in 1880? A. November 16.

Q. Have you known any coal to pass to Exeter? A. No, sir.

Gov. BUTLER. Oh, yes, you have.

The WITNESS. Coal?

Gov. BUTLER. You see you answered too quickly. You didn't wait for me to ask you if it came from Tewksbury, you denied all coal. I was going to ask, if you knew of any cars of coal passing to Exeter where the freight charge was paid from that institution or anybody connected with it? A. No, sir.

Q. Would it go by you? Would you have anything to do with it, supposing it started from Boston? A. No, sir.

Q. You would not know whether it did or did not? A. No, sir.

Q. If it started from Tewksbury you would know? A. Yes, sir.

Q. If any of the freight was switched off of the Lowell road on to your road, would you know? A. We don't switch any off on my road.

Q. They do not? A. No, sir.

Q. Is there any connection by which it could be done? A. Not at my place; there is not.

Q. Where is the connection? A. Perhaps at Lowell; perhaps at Lawrence.

Q. Now, is your station where the people coming from Boston get out? A. Yes, sir.

Q. Is that of yours the nearest station to the almshouse; or is the Lowell nearer? A. The Lowell is nearer.

Q. How much? A. About four minutes' walk.

Cross-examination by Mr. Brown.

Q. As I understand these entries prior to November, 1880, you know nothing about them, except that you find them here on the books? A. That is all, sir.

Q. Now, the entry of November 27, 1878, Dr. Putney, four cases and one trunk of merchandise: you know nothing about that whatever? A. No, sir.

Gov. Butler. He testifies the same with regard to all of them.

Q. And it is the same with regard to the entry, Kate L. Atwood, hat rack. Now, I want to ask you this about this book: I notice the first entry in this book — First, I will ask you this question: Is this the only station on the Boston and Maine Railroad in Tewksbury? A. Yes, sir; where there is any freight received.

Q. Now, this record commences with January 1st, 1875, does it not? A. Yes, sir.

Q. And it ends, the last entry being April 21, 1883, does it not? A. Yes, sir.

Q. And is this book supposed to contain everything in the shape of merchandise received at your station for freight during those two periods? A. That is, what was sent: of course not what was received.

Q. All on that book. And you have now indicated all the entries which you find on that book — ? A. Yes, sir

Q. Of freight, either to the Davises, the Atwoods, the Putneys, as coming from Tewksbury? A. Yes, sir.

Q. That is all. Can you send that book to us again? A. I would rather not.

Mr. Brown. Well, I can summon you down with it.

Gov. Butler. I would not take the trouble to do that; I have a memorandum of all these entries, and there won't be any difference.

Q. (By Gov. Butler.) One word. Is this a freight station? A. Yes, sir.

Q. Is there a passenger station? A. Yes, sir.

Q. And this is only what goes by freight cars? A. Yes, sir.

Q. Light baggage, light matters, go by the passenger cars, do they not? A. Yes, sir.

Gov. Butler. That is all.

Q. (By Mr. Brown.) This is both a freight and a passenger station, is it not? A. Freight and passengers both. It is a passenger station.

Q. (By Gov. Butler.) Do you keep an account of what goes by passengers cars? A. No, sir.

Testimony of Albert Pinder (*sworn*).

Direct examination by Gov. Butler.

Q. What is your first name? A. Albert.

Q. You were in the army, I believe? A. Yes, sir.

Q. What rank? A. I went in as private, and came out as captain.

Q. Are you in charge of the almshouse of the city of Lowell? A. Yes, sir.

Q. How many inmates have you — what average number of inmates had you there last year? A. My average number was two hundred and twelve.

Q. And have you been down to the Tewksbury almshouse? A. No, sir.

Q. Never have been there. A. I have not been there for quite a number of years.

Q. Whether you have all sorts of paupers sent to you? A. Yes, sir; we have the same as three institutions in one. We have a reform school, a workhouse and an almshouse.

Q. Insane paupers? A. Yes, sir.

Q. About how many? A. I think I have forty-eight or forty-nine at the present time.

Q. Men and women? A. Yes, sir.

Q. You have lying-in women and pregnant women sent there? A. Yes, sir.

Q. How many children have you under a year old? A. Under a year old?

Q. Yes, sir. A. Possibly, I may have four or five; I could not tell, exactly. They are going and coming all the time.

Q. What number of infant children did you average last year? What was the total number last year — the whole number? A. Born, do you mean?

Q. Well, give me the number born? A. I had five born in the institution last year.

Q. How many have you altogether? A. In the nursery I average from forty to forty-five.

Q. How old children does the nursery include? A. All the way from a birth to nine or ten years.

Q. How many children have you in the reform school? A. I think I have twenty-six sentenced, beside about as many more pauper children.

Q. Twenty-six convicts; that is, sentenced there by the courts? Sentenced there by the police court? A. Yes, sir.

Q. And about the same number of what? A. About the same number of pauper children. They all attend the same school.

Q. Have you a school-teacher? A. Yes, sir.

Q. What is his salary? A. Fifteen hundred dollars a year.

Q. More than one? A. Only one.

Q. Now will you tell me the expense of running that institution last year? A. My total average was two hundred and twelve, as I stated in the first place, but my actual average was only one hundred and ninety-five, because there were about seventeen whose board was paid by outside parties; that is, by friends and relatives. So that my actual average was only one hundred and ninety-five. My expense was something over eleven thousand dollars or nearly one dollar and sixteen cents per week.

Q. Does that include everything, schooling and all? A. That covers the whole institution.

Q. You have a farm? A. Yes, sir.

Q. If I remember it your institution is situated on a sandy plain? A. Yes, sir.

Q. Pretty much the same land as at Tewksbury? A. I should judge it was. I never examined the land there. Our land is a sandy loam, most of it.

Q. How many children under the age of nine in the nursery did you lose last year? A. I don't think I lost a child, last year, if my memory serves me right. I have lost one or two this year.

Q. Do you raise pork? A. Yes, sir.

Q. Do you feed your pork out to the institution, or sell it? A. We feed out some this year.

Q. Including the fifteen hundred dollar position, what is your salary account? And state your help. A. My salary roll will average about four hundred and eighty dollars a month.

Q. That includes everything? A. That includes everything. I have had two assistants in the house besides my wife; a cook I have, also. Their pay is five dollars a week.

Q. How much? A. Five dollars a week; and the cook's salary is four dollars a week. I have three men at thirty-five dollars a month, and two at twenty-five dollars a month.

Q. The year round? A. Yes, sir.

Q. What do they do? A. One is a watchman, one is my foreman, one drives my market wagon, and the other two are employed to do general farm-work, like driving team.

Q. You employ your inmates as much as possible? A. All that are in condition to work; yes, sir.

Q. Whether, in addition to this, you have the distribution to the outside poor of the city? A. Yes, sir. Nearly all the orders from the secretary of the board are filled from our place, on an order from the secretary.

Q. That is, if tea is sent, or sugar is sent, the order is sent to you? A. The order is sent to me; yes, sir.

Q. And you distribute it? A. Yes, sir.

Q. About how far are you from the post-office? A. Well, I have heard it called a mile and a half. I don't know exactly, but that seems to be the general opinion, — about a mile and a half from the post-office.

Q. And you distribute over the city, wherever you are ordered? A. Yes, sir.

Q. And that is part of your expense? A. That is not included in this; that is outside.

Q. I am not talking about the delivery. A. I have given you the actual running of the institution, not including that.

Q. Do you make any deduction for the use of horse and wagon and a man? A. On these orders we do; but that is not covered by this eleven thousand dollars.

Q. Now, sir, what does it cost you for physicians' bills? A. It does not cost us anything. We have the city physician.

Q. What is his salary; do you know? A. I think it is three hundred dollars; I am not positive.

Q. Does he have all the out-door poor in the city besides? A. No, sir; there are what we call ward physicians appointed.

Q. Does he do anything besides attend to the almshouse? A. Oh, he is in regular practice, I think.

Q. I mean does he do anything for the city? A. I think he has one ward, if my memory serves me right.

Q. Do you know what they pay the ward physicians? A. I think it is fifty dollars a year; I am not positive.

Cross-examination by Mr. Brown.

Q. Mr. Pinder, how long have you been connected with this institution? A. I am on my second year.

Q. What is your salary? A. Fifteen hundred dollars for the services of my wife and myself.

Q. And you find yourself? A. No, sir.

Q. Or does the city find you? A. The city furnishes me everything.

Q. How large is your family? A. My own family?

Q. Yes. A. I have two children, my wife and myself.

Q. So the city pays you fifteen hundred dollars for yourself and wife? A. Yes, sir.

Q. And you have your support for yourself and your wife and children? A. Yes, sir.

Q. Do you have any hired help in your family? A. Not of my own; only what the city furnishes.

Q. Only what the city furnishes, and what you are able to get out of the employees? A. Out of the employees; yes, sir.

Q. Now, you have a pretty general notion of the requirements of an institution like Tewksbury, haven't you, Mr. Pinder? A. I don't know.

Q. You have a pretty correct notion of what your own institution requires, don't you? A. Yes, sir.

Q. Do you think eighteen hundred dollars and found is a large salary for the superintendent of an almshouse like Tewksbury, where there are two hundred and sixty odd insane and other inmates, amounting to, say nine hundred? A. Is that all the salary?

Q. I ask you that question, whether eighteen hundred dollars and found is a fair salary? A. Well it takes two to earn that, I understand.

Q. No, one; one man at eighteen hundred dollars a year and found, for himself and his wife? A. No, sir; I should not think it was.

Q. Very well; would you consider eighteen hundred dollars, in an institution like Tewksbury, for a man and his wife, and they find themselves, a fair salary? A. No, sir.

Q. Now, Mr. Pinder, I want to ask you again what you said the average cost per inmate in your institution was? A. It was one dollar and sixteen cents.

Q. A dollar and sixteen cents per what? A. Per head.

Q. Head per what? A. A week.

Q. Now, what was paid to the institution per week per annum for those who were paid for? A. I think it is about two dollars.

Q. Was that applied to the general account, and did that amount of money lessen the per week of the others? A. No, sir; that is not included in this at all. I have simply given you the actual figures.

Q. Then we understand each other. Now, Mr. Pinder, your institution has in it from one year's end to another only those persons who come there legally as persons having a settlement in the city of Lowell? A. As a rule; yes, sir.

Q. Is it not invariably so? A. No, sir. Once in a while we get them that don't belong there.

Q. But they only stay there temporarily? A. Yes, sir.

Q. Now, I suppose some have gone to your institution who have first been taken there, and then it has been discovered that they had no settlement in the city of Lowell, and no known settlement in the Commonwealth, and they have been sent to Tewksbury? A. Not a great many of them during my administration.

Q. Do you recollect the case of Mrs. Dolan in Lowell? A. I don't recollect her.

Q. You don't recollect any such case having been brought to your almshouse? A. It may have been, but I don't recollect.

Q. When did your term commence? A. I am in my second year.

Q. By that I suppose you commenced — A. The first of January, 1882.

Q. Now, you have a hospital connected with the institution? A. Well, yes, sir.

Q. A hospital ward? A. And the physician in charge is named Eaton.

Q. And you say he has general practice outside of the institution? A. Why, yes; that is my idea, that he has.

Q. What salary does he get from the city for attending to

the institution? A. Three hundred dollars I think his salary is; that is my impression; I am not positive.

Q. I want to ask you another question, Mr. Pinder, and that is this: in making up your salary of fifteen hundred dollars, you say that includes yourself and wife? A. Yes, sir.

Q. What do you understand? That your wife is obliged to devote her entire time, or may she simply direct affairs? A. Well, sir, she is devoting her full time to it. She has general supervision of the house.

Q. How large a farm have you? A. Well, one hundred and fifty or one hundred and sixty acres; I don't remember just what it is.

Q. And it is situated in the city of Lowell? A. Yes, sir.

TESTIMONY OF PATRICK KILLEEN (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live, Mr. Killeen? A. On Fayette Street, Lowell.

Q. How long have you lived there? A. About thirteen years.

Q. What is your business? A. Butcher.

Q. In 1876 and 1877 did you buy any calves at Tewksbury? A. Yes, sir.

Q. How many? A. I never kept any account of them. I used to get them there, sometimes two, sometimes three, and sometimes one.

Q. How many should you believe it would amount to in a year? A. I could not exactly say. Sometimes I would not get any for two or three months.

Q. And some parts of the year you would not get any for more than that? A. Yes, sir. I have not bought any at all for the last seven years, I think.

Q. But when you did get them, how many did you get, as near as you could judge? Twenty, thirty, forty, or fifty? A. I could not say exactly, but I got over twenty, I guess. I should think I got over twenty at that time.

Q. Whom did you get them of? A. I got some from old Mr. Poor; a good many from old Mr. Poor; and I got some from young Mr. Poor, and then some from a man,— Warren, I think his name was, — Warren something: I don't recollect his other name.

Q. Who was Mr. Poor? Was he at the head of the farm? A. Yes, sir; he was the farmer, I guess.

Q. He was head farmer? A. He had charge of the barn.

Q. Whom did you pay? A. I paid the old man Poor, and paid Sanborn and Warren — it was not Sanborn; I guess it was Frost.

Q. Sometimes you paid the old man Poor, sometimes the young man Poor, and who else? A. And this Warren — Warren Frost, I guess.

Q. Sometimes the boy. Were these taken away openly? A. Yes, sir; I had some one there to put the calf into the wagon. There was a young man by the name of Tommy Dunn who used to help put them into the wagon.

Q. What did you pay apiece? A. From a dollar and a quarter upwards, according to the size of them.

Q. Upwards; how high? A. I never got very good calves there; the good ones used to be killed for the institution, I understood. Of course they were not over fine.

Cross-examination by Mr. Brown.

Q. Did you keep any books, sir? A. No, sir; I never kept any track of them.

Q. How do you know there were twenty? A. Well, according to the number I got right along. I never kept any account of them. It was two at one time and three at another. I have got as many as three at one time.

Q. Well, is it anything more than a guess that you got twenty? A. I guess I got twenty or more; it might have been more and it might have been less.

Q. Now, if Mr. Poor had kept an accurate account of these calves delivered to you, — Mr. Poor and Mr. Warren Frost, — and they should satisfy you from that account that you never had but ten, you would be surprised? A. I would not, because I never kept any account of them.

Q. Now, supposing Mr. Frost had kept an account and should satisfy you, or should present that account and show that you never had but five, would you be surprised? A. I would be very much surprised. I have got three on that one time.

[The committee took a recess for five minutes.]

JOHN J. ALLEN (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you reside? A. Tewksbury, sir.

Q. How long have you lived there, sir? A. I was born there; I am twenty-seven years old.

Q. And what is your business? A. Butcher, sir.

Q. Have you ever bought any calves at Tewksbury, and when did you commence? A. In 1878, I think, sir.

Q. How many did you buy that year? A. Well, I think I have had seven or eight a year on an average.

Q. And you have had seven or eight a year, ever since? A. I never kept any account of them till this investigation commenced.

Q. By whom were they delivered, sir? A. Sometimes by an inmate by the name of Taylor, and a Mr. Poor — Mr. James Poor — who is deceased, now, and the present manager, Mr. Colbath.

Q. Did you pay for them, sir? A. Yes, sir.

Q. What did you pay? A. A dollar and a quarter apiece.

Q. Was that an average? A. Yes, sir; that was always what I paid, sir, I believe.

Q. You bought them young, I suppose? A. Yes, sir.

Q. How many have you bought all told; how many would you be certain of since 1875? A. Well, about thirty-five or forty.

Q. Who did you pay to? A. Mr. Colbath, Mr. Taylor and Mr. Poor.

Q. (By Mr. CHAMBERLAIN.) What did you do with the calves, Mr. Allen? A. I killed them, sir.

Q. You sold them? A. Most of them, sir; killed them.

Q. They were milkers; what we call milkers? A. I used to put them on the cow, some of them.

Q. Three or four days old? A. When I killed them they were, some of them, I suppose older than that and some — I could not tell.

Q. (By Gov. BUTLER.) You put them on the cows and afterwards killed some of them? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. Do you keep any books? A. No, sir.

Q. Have you ever kept any books? A. I never kept any account till this investigation commenced. When Mr. Pillsbury was summoned here I thought I should be, and kept account of what I have had since.

Q. Since what date? A. Since April 18th, the present month.

Q. And when did you begin to have calves from Tewksbury? A. As near as I can recollect, it was in 1878.

Q. It is not 1875? A. No, sir; 1878.

Gov. Butler. He would be a young man in 1875.

Mr. Brown. Pardon me, you used the expression.

Gov. Butler. Oh, no. I did not; I have it on my memorandum.

Mr. Brown. Then I made a mistake; that is all.

Q. 1878; now, let us see, — what time in 1878? A. I could not say, sir.

Q. What do you think? Give us your best judgment. A. I could not say.

Q. Was it in the spring of 1878, or the fall of 1878; can't you give us some idea about it? A. It was most likely to be in the spring.

Q. Why most likely in the spring? A. We have the most calves then.

Q. Anybody go with you to get these calves? A. No, sir; sometimes there would be a boy with me, that is all.

Q. You would go to the farm to buy the calves, they would be loaded in, and you would pay for them; and you began to pay Mr. Poor first, did you not? A. I think he was the first gentleman I paid.

Q. And after he went away or died, then you began to pay Mr. Taylor? A. Mr. Taylor, sir.

Q. And latterly, sir, you paid Mr. Colbath? A. Sometimes I paid Mr. Taylor and he gave it to Mr. Poor.

Q. Now, do you keep a cash account? A. No, sir.

Q. Kept no cash account during any part of this period? A. No, sir.

Q. Never paid more than $1.25 for a calf? A. I think I paid $1.50 for one; I am not certain.

Q. As a matter of fact these calves were young calves, a

day old, weren't they? A. I guess there wasn't any as young as that.

Q. Two or three days? A. Four or five.

Q. They nursed till the milk was good for table use and then you took them off, wasn't that it? A. Yes, sir.

Q. And that was the invariable rule which determined the question whether a particular calf should be or should not be sold; whether the cow's milk was good for table use? A. Yes, sir; I suppose that is so.

Q. What did you do with the calves? A. I killed them.

Q. How soon after? A. Sometimes right after.

Q. Immediately? A. Sometimes I did.

Q. That is what they call "bob veal?" A. I suppose it is, sir.

Q. Any doubt of it: so you have been a bob veal dealer for four or five years? A. No, sir; I have not.

Q. These forty calves all went into the market as bob veal, didn't they? A. I don't know.

Q. You kept no account? A. No, sir.

Q. Now, when you say you think you have had thirty-five or forty calves from that institution since, you think, the spring of 1878 and down to the eighteenth day of this present April, is that anything more than a guess? A. Well, I think it is a pretty good guess; I think it is a pretty sure guess.

Q. Well, if you came within ten of it you would call it a pretty good guess, running through five years and no account, wouldn't you? A. No, I don't think I would.

Q. Now, supposing it could be proved that there never were but thirty calves there, would you be surprised? A. Yes, sir; I would.

Q. Would you be willing to admit that you had made an error in guessing thirty-five or forty? A. I suppose that I might have made an error, but I don't think I have; I think I have had as many.

Q. Are you willing to take your oath before this committee, understanding what it means to take an oath, and say that you ever had more than twenty calves from that institution for which you paid or did not pay? A. Over twenty?

Q. Over twenty? A. Yes, sir.

Q. You are? A. Yes, sir.

Q. Now, will you tell me when you had them? A. I cannot, sir; I never kept no account of them.

Q. Did you have them all in the first year, 1878? A. No, sir.

Q. How many did you have in 1878? A. I could not say, sir.

Q. Did you have five? A. Probably I did.

Q. How many more? A. I could not tell.

Q. Can't tell anything about it? A. No, sir.

Q. Well, now, is the condition of your memory such that you would be willing to set up your say so against an account kept by Mr. Poor, Mr. Taylor, or Mr. Colbath? A. No, sir.

Q. It is not? A. No, sir.

Q. Then, if these gentlemen kept an account of your dealings with that institution and there turned out to be not more than twenty or twenty-five, you would be willing to admit that you are in error; is that it? A. I think I have had.

Q. What? A. I think I have had as many as I say.

Q. But, if an account was kept of them in the regular course of business and you were confronted with it, and there were not more than twenty or twenty-five, or even more than that, you would be willing to admit that you were in error? A. Yes, sir.

Q. (By Gov. Butler.) That is, if you believed the account was true? A. Yes, sir.

Q. (By Mr. Putney.) You keep no books at all in your business? A. No, sir.

Q. You do what is called a cash business, — you buy and sell for cash? A. No, sir; I keep my books of my retail business.

Q. But you keep no account of anything you purchase? A. No, sir.

Q. Anywheres? A. No, sir; not that I pay cash for, I don't.

Q. (By Gov. Butler.) About what was your average a year? A. I could not tell you, sir; I have had four this month.

Q. Had four this month? A. Yes, sir.

Q. Anything unusual this year more than any other? A. No, sir.

Q. (By Mr. Chamberlain.) Did you keep any account of the weight or the skins or anything? A. No, sir.

Q. Didn't keep any account, only when they threw them out you paid the money? A. Yes, sir.

Q. (By Mr. Brown.) Where did you sell your skins? A. Samuel Hall & Son, of Lowell.

Q. All to him? A. Brown, of Lowell.

Q. Any to anybody else? A. Not that I know of.

Q. Did you peddle out this bob veal, or sell it to one man? A. I cut some of it up.

Q. Did you peddle part of it around the country? A. Yes, sir.

Q. You peddled some of it right around among your neighbors there, and the skins went to two places in Lowell? A. Yes, sir.

Q. Did you ever tell anybody you were selling bob veals? A. There is not many butchers in the country that would, sir.

CHARLES MARSH (*recalled*).

Direct examination by Gov. Butler.

Q. When you were on the stand before, Mr. Marsh, you told me that this book of the inmates' money and property of a certain character, — watches, etc., — commenced with an extract from another book, Dec. 31, 1871? A. Yes, sir.

Q. Is that the book that is an extract from? [Handing book to witness.] A. Yes, sir.

Q. Is there any other book but these two, — this other dates, and I believe this one goes back far enough, — is there any other book of inmates' money and property, such as watches, jewelry, etc.? A. That is the original entry and the only two that I know anything about or ever saw.

Q. This book was kept by the clerk before you came there? A. I should think it was, by the writing.

Q. Look and see, sir; make it certain. A. Yes, sir: that was kept by the former clerk, part of it; part of it is in his handwriting, and part in mine.

Q. The latter part in your handwriting? A. Most of it, I should say.

Q. Then this account [referring to another book] duplicates a portion? A. Yes, sir.

Q. How much? A. Whatever was not discharged on that book was brought forward on to the other one.

Q. That is, what appeared to be settled on this book. Then you had nothing to do but to look over and see what was settled on this book, and take off that on to this book to start the new book with? A. Yes, sir.

Q. Then you never had any occasion to make any erasures

in that book? A. I don't know about that; I may have had some.

Q. You may have had; did you? We have got your testimony about this thing. A. I could tell better by looking.

Q. Look, then. [Handing book to witness.] A. Other people may have had occasion to make erasures. I want to know whether you have had. There are some erasures there, whether I made them or not, I do not know.

Q. I am talking about your erasures now. A. I cannot identify mine; no, sir.

Q. Can't you? A. No, sir.

Q. Then what is the use of looking for them? A. You asked me if there had been any erasures made.

A. No; I asked if you had any occasion to make erasures in this book? A. I don't know whether I did or not.

Q. You can't tell me whether you did or not? A. No, sir, I can't tell you whether I did or not.

Q. Now, sir, the part of this book that is not in your handwriting is in the handwriting of Mr. Henry Moulton, isn't it? A. Yes, sir.

Q. A former clerk? A. Yes, sir.

Q. And now the editor of the "Citizen," in Lowell? A. I don't know what position.

Q. Don't know what he is doing in Lowell? A. I know he is connected with the Lowell "Citizen;" I don't know whether he is editor or what.

Q. Now, sir, I want to ask you if there was any book or account kept of the issue of things at that institution? A. You mean the issue of groceries or anything of that kind?

Q. Issue of any property? A. I don't know but one time they had a book in the grocery store; I never saw it; I think I have heard them speak of such a book.

Q. There is some tradition about that? A. Nothing I ever had anything to do with or ever saw.

Q. And was that the only book of issue that you had? A. That is all I know anything about.

Q. As general book-keeper wouldn't it have been your business to know what books were there? A. Oh, I don't think so.

Q. Why not? A. I know all of my books; I know what books I had.

Q. Did you ever settle any issue account of any sort or

make one? A. I know that any articles sold, for which cash was paid, were entered on my cash-book.

Q. How do you know that? A. Because I know that whenever any article was sold, a memorandum of the sale was placed on a memorandum-pin that I have on my desk.

Q. By whom? A. By whoever made the sale, or received the money, I suppose; I don't know.

Q. Then, all you know about it is that you would find a memorandum on your memorandum-pin, and when you found one there you entered it? A. That is all, sir.

Q. In every instance? A. In nine cases out of every ten; I should say, — perhaps, ninety-eight out of every hundred.

Q. Why did you drop two? A. Well, because I may have received some, possibly, myself, directly.

Q. Either everything was entered, when anything was sold there by you — A. I never sold anything in my life.

Q. Sometimes cash might be paid to you? A. It has been, in some instances.

Q. Then there would be no occasion for the memorandum-pin entry. A. Yes, I would always make a memorandum.

Q. Then the memorandum-pin account would contain a memorandum of everything that was sold? A. Everything that I know anything about; a great many things were sold I didn't know anything about.

Q. That is all you know about it? A. Yes, sir.

Q. And all the knowledge you would have, where money was not paid to you personally, would be finding the memorandum on the memorandum-pin. A. No, sir: I may have heard of the sale.

Q. You might have heard of a sale: I understand all that. A. I might have seen a calf taken away.

Q. Precisely so. Independent of that, anything? What you heard, what you took yourself, and what, possibly, you might have seen, a calf taken away, — any other? A. I don't know of any other way I can tell.

Q. Now, you know French Joe, don't you? A. Slightly.

Q. Slightly, — how long has he been there? A. I don't know; a great while.

Q. What? A. A great while.

Q. Before you came? A. I don't remember whether he was there before I came or not.

Q. When did you first live at Tewksbury at all? A. I went there to live in 1869.

Q. Was French Joe there then? A. I could not say, sir, without my record.

Q. What record would you have of him? A. I think when he first went there he went as an inmate, and his name would be on the inmates' register.

Q. The inmates' registers are behind you, sir; won't you look? A. Further back than anything there.

Q. Why is he called French Joe; because he is a Frenchman? A. He is a Frenchman.

Q. Did he make memorandums and put them on your pin? A. He made a memorandum as a check. When a person was discharged from the institution I would have a list that he made out, or Mr. Wrightington's clerk, and when he discharged a person he made a list of the persons who are discharged; that is the only memorandum he made: of people going and coming.

Q. Then you have no memorandum from him of anything sold? A. No, sir.

Q. Or any account? A. I don't recall anything now; I should say I had not.

Q. Now, will you tell me when he went into the delivery business of the goods? A. I don't know, sir; I don't know the date.

Q. Was that before your time. A. I don't remember.

Q. When do you first remember he did? A. I don't recall the year, sir; I don't know.

Q. Within five years of what? A. It would be all guesswork if I should undertake to tell; I don't know.

Q. Is there any memorandum on your books or anywheres that shows when he undertook the business of delivery? A. The only record there would be on my book is when he was discharged as an inmate.

Q. Is there any record on any book of the institution of the time when he began that business? A. I don't understand that he has charge of the store, only under the direction of some one else.

Q. Whether he is under the direction of anybody or not, I don't care about, now; I am coming to that by and by; I want to know when he began whatever he did begin to do, to have charge of the delivery. A. I don't understand that he has charge of the delivery.

Q. I don't ask that, sir. A. I thought you did.

Q. No, sir; now understand my question, — I told you that was what I was not asking about, — I want to know when he began to have anything to do with the delivery? A. I told you I didn't know.

Q. Is there any memorandum on your books or anywhere else, to your knowledge, that will show that date? A. I don't think there is, sir.

Q. Hasn't he been in the store and in the delivery-rooms ever since you have been there as clerk? A. I don't know, sir, whether he has or not.

Q. Has there anybody else been there, to your knowledge, but him? A. I don't know, sir, whether there has or not.

Q. None have been there to your knowledge? A. I don't have very much to do with the stores; my business is in the office.

Q. Now, you have been kind enough to tell us that he has charge of it under somebody else, — who is that? A. Under the superintendent and assistant.

Q. That is, your father and your brother? A. Yes, sir.

Q. Has he any other overseer but those? A. I should say not.

Q. I won't say that he did it at all, but suppose that he should take a hundred suits of clothing and sell them, what is there on the books to show he did that or didn't; whether they went or didn't go? A. I don't know as there would be anything. There might be a hundred men go out.

Q. I know there might be, but I am now taking a case of where he should take, — I make no accusation. I want that distinctly understood: I am only putting it as an illustration of how the books are kept.

Mr. Brown. You mean surreptitiously?

Gov. Butler. Take them any way; take them out and carry them off in any way, — suppose he carried them off, would there be anything on your books to show? A. We would show on our books the purchase of that number of suits of clothes; we don't keep a great many suits on hand, and if that number had disappeared suddenly I think somebody would be likely to know it from the purchase.

Q. That is to say, if they disappeared all at once it would call for a new supply pretty soon; but suppose he took them five at a time? A. Oh, well, I think if he took them five at a

time and that number of men were not going out, not many men discharged from the institution, I think somebody would look into it pretty quick.

Q. I am now talking about the books, sir; I am not talking about whether anybody would look into it; that is another affair. A. I don't know but he may have a book; I don't know anything about it; I don't know anything about the books kept in the store.

Q. You have testified we have here all the books of the institution. A. All I know anything about or ever saw.

Q. Do you believe he has any books? A. I don't believe anything about it; I don't know anything about it.

Q. And you never heard of anything but a grocery-book? A. I didn't understand you to say grocery-book: I thought you said supplies.

Q. What? A. I thought you said supply-book.

Q. I said issue of supplies, — that includes groceries and clothing. Now, then, under the superintendence of which we have heard, does he have charge of the issue of shoes? A. He gets an order from the superintendent to give such a man a pair of shoes.

Q. Does he have charge of the issue of clothing? A. He gets his orders from the superintendent to give out clothing.

Q. Does he have charge of the groceries? A. He does, under that direction.

Q. I say under the direction; you need not put that in every time; I started off with that. Under this direction he has charge of the delivery of groceries? A. The orders for the clothing and groceries generally come from the superintendent or assistant, personally.

Q. Undoubtedly. Now, then, you supply inmates, when it is necessary, I suppose, with the proper clothing when they come out? A. We do.

Q. You do; have you any account of that? A. No; we don't keep account of every piece of clothing we furnish an inmate when he goes out.

Q. Won't you answer my question? A. I thought I was doing it.

Q. Now, sir, have you any account of that? A. I have none; I don't know as there is any.

Q. Do you know of any? A. I don't know whether there is or not.

Q. Ever any such account settled, to your knowledge? A. I don't know anything about any such account. There may be one, or may not; I don't know.

Q. Any account ever shown to the trustees, to your knowledge, of that sort? A. No, sir: I think not. I don't think there is any such account: I don't know: we have a stock account.

Q. What? A. There is an appraisal of the stock that is taken.

Q. That is, once a year there is an account taken: an appraisal of what is there? A. Yes, sir.

Q. Is there any account to tell what has gone out from year to year? A. Nothing that I know of, sir: nothing except what is on my books.

Q. Now, sir, I want to get a little more plainly the transactions about this account of paupers' money. I will take an instance, — a pauper comes in, we will say, with ten dollars in his pocket. After a while it turns out that he don't belong to this State, and he is to go to New York. You have entered his name on the book, with ten dollars; when he goes out, to whom do you give that money? A. If the man goes out in charge of an officer, I invariably give the money to the officer.

Q. And, as you told us, take no receipt. A. Take no receipt; but I generally mark — I have of late years marked on my books, paid to such an officer.

Q. That is of late years: earlier you simply crossed it off? A. I followed the custom that had been carried on before my time.

Q. Leave out the custom, please. A. I simply put down the date of payment.

Q. And drew your pen through it? A. Which generally means the date of the discharge of the inmate.

Q. Oh, the date of payment means the date of discharge? A. Sometimes they would draw before, and then I would put down the date when it was all drawn.

Q. Now, in the case of an inmate who was sent, — to take another case, — an inmate who is sent, we will say, to Worcester, — an insane inmate, and that inmate has money to his credit, — is that money given to the officer who takes him? A. Always.

Q. What? A. Always.

Q. Of course you would not give it to an insane person; but no receipt is taken in that case? A. No, sir.

Q. Any inquiry ever made at your end of the line as to whether the money reached its destination safely? A. No, sir.

Q. Now, I will take another class of cases. You ascertain, for instance, that a pauper you have had in charge, and has some money, belongs to Salem, has a settlement in Salem, and he is sent there; to whom do you give the money? A. If he is sent alone I give it to him; if an officer comes after him I generally give it to the officer. I don't say that is my invariable custom in a case of that kind, but I should say usually that is the custom. It depends somewhat on the character of the inmate; whether he is capable of taking care of it or not.

Q. Sometimes you give it to the officer and sometimes to the inmate. Now, sir, will you say that in the last fourteen years since you have been there; that a single dollar has ever been received by the authorities of the city of Salem of inmates' money? A. I would not say, for I don't know anything about it.

Q. You don't know anything about it? A. No, sir.

Q. Will you say you have sent a single dollar till since this investigation began? A. I don't remember anything about Salem at all in connection with this business.

Q. Do you know whether, within a week, $2.50 has been sent to Salem? A. Yes, I do.

Q. You do? A. Yes. I know the case of Henrietta McDonald, and I will tell you how it happened, if you wish me to.

Q. Yes. A. My cash-book you had at your office. I had made a list of the cash that was on that book for my own use at the institution. The day this woman went out I happened to be down here, and that list was shut up in my drawer, so no one knew where it was. When I went home my father told me that Henrietta McDonald had gone to Salem, and had $2.50 or $3 in money. I took the money and enclosed it to Mr. Fitz, the secretary of the board of overseers.

Q. He has been a long time secretary, hasn't he? A. I don't know how long.

Q. Well, a long time; many years? A. I should think so; yes.

Q. Now, sir, don't you know that is the first money that ever got to Salem from your institution? A. Possibly it may have been; I don't know as I ever had occasion to send any.

Q. That is a good reason why you should know it was the first. Listen to my question and answer it. Do you know that another dollar, or do your books show that another dollar ever got to Salem of the money of an inmate who was returned to Salem, having a settlement there, within twenty years since you have been there? A. I don't recollect any case; still there may have been.

Q. Without giving a specified case, do you recall any case where any money was sent? A. I do not now; no, sir.

Q. Will your books show? A. Not necessarily show where it was sent.

Q. Are you now able to tell me when those books, those new-looking cash-books, were bought? A. I think I can give you a better idea than I did before, because I have been looking it over, and I think I can identify them. I think if I can see the books I can tell you within a year when they were bought; perhaps not the month, but I feel pretty sure about the time.

Gov. BUTLER. In time we will send for them. I will have them here to-morrow morning.

The CHAIRMAN. I think we will sit a little while longer, if it is convenient. There is no session of the House this forenoon, and we can sit half an hour longer.

Gov. BUTLER. I had supposed we would stop at twelve o'clock.

The CHAIRMAN. We won't discommode your Excellency.

Gov. BUTLER. Very well; Mr. Innis, won't you ask my secretary to send up those new books of the almshouse.

The WITNESS. You take it for granted that they are new books.

Gov. BUTLER. Yes, I have some reason for thinking they are new.

Mr. BROWN. New-looking ones.

Gov. BUTLER. Those are not all my reasons.

[The books were produced.]

Gov. BUTLER. Here is a book called a journal.

The WITNESS. Invoice-book, I call it.

Gov. BUTLER. It is marked "Journal" on the outside.

The WITNESS. I didn't mark them.

Gov. BUTLER. I am only getting at the distinction between them.

Q. This book is marked "Journal," "March bills of 1882;" 31st of March; commencing with the charge, one month's salary.

When was that book bought? A. Let me see the date, please. [Inspects the book.] This was bought some time before the month of March, 1882.

Q. How do you fix that, sir? A. Because I know that these entries are made the last week in the month of March, 1882.

Q. Yes, sir. This was bought before the first of March, 1882? A. I don't know how long before March; it may have been a week or two; but it was not bought since March, 1882.

Q. You are sure it was not bought a year before? A. No, I would not say it was not bought a year before. It was not used until March, 1882.

Q. I only want to know when they were bought, now. Here we have a book marked "Cash," the first entry in which is May 2, 1881? A. Well, it was bought in or before May, 1881.

Q. Here we have a book called "Journal Account"? A. Pay-roll, I call it.

Q. Commencing July 31, 1882? A. Well, it was bought about that time; not after July, 1882, but before.

Q. Here we have a ledger, the first entry of which is July 1st, 1879. A. Well, I think that book was bought in 1882.

Q. What time in 1882? A. I don't know, sir.

Q. About what time? A. The date I cannot give you.

Q. The month? A. I should say about July or August; possibly it might have been a month later.

Q. Here is another book marked "Journal"? A. That I call my journal.

Q. And the first entry in it is December 30, 1875. When was that book bought? A. May I see that book one minute, sir?

Gov. Butler. Yes, sir. [Gives the book to witness.]

The Witness. If I saw the book that preceded this, I could tell better; but I should say this was bought previous to March, 1876; I don't know how much before, because I see the December entry for 1875 is continued. Whether I had it in December, 1875, I cannot tell without seeing the book that precedes; but not later than March, 1876.

Q. And has been in use ever since? A. Ever since, sir. Some one has got a blot on there which I didn't get on.

Q. Yes, some one has got a blot on it since you used it. This was used on your desk as any other book? A. Yes, sir.

Q. Then this has been used at any rate since 1876? A. Yes, sir; constantly.

Q. Constantly in use since 1876. Then here is one more: this begins in — "September bills, 1880." When was this purchased? A. [After inspecting the book.] Previous to September, 1880.

Q. Do you know in any other way than by looking at the dates? A. I do, sir; I know that my trustees' bills are made up for the trustees the last week of every month, and this is the first entry of those bills that I made.

Q. Now, here is a book that goes back, that you say you copied. What did you copy it from? A. This journal I consider a copy of all my books. I consider my journal a copy of all my books.

Q. No; you don't consider your journal a copy of your ledger, do you? A. No; not of my ledger. My ledger is taken from this.

Q. Now, one of these books you said you copied, having a sore finger; what did you copy from? A. Well, I don't know as you would call it copying; but I posted my books from my other books.

Q. You posted your books from the other books; that was the journal, was it not? A. Perhaps I can explain to you better if you will take any one month.

Gov. Butler. I don't care to go into any one month; I want to know about your habit of book-keeping.

The Witness. Perhaps I should not have said copied. This is made up from my other books the same as any journal is made up. It is a condensation from all the doings of the month.

Q. Won't you have the kindness to bring me the other books? A. Well, the books are here, I think. Here is the cash-book, the journal and pay-roll. You have all the books that this was copied from.

Q. This is the journal? A. Yes, sir.

Q. Now, what other journal was this made up from? A. It is not made up from any other.

Q. You said it was made up from the cash-book, the journal and the pay-roll; that is, the book designated journal. A. That is a journal. It is a journal, but not as you understand it. You say it is a record of daily transactions. I don't consider it so.

It is all the transactions of the month in a concise form; that is what I use it for.

Q. Now, from what book, what record of daily transactions, is this made? A. The pay-roll, the journal, check-book and bank-book.

Q. Which are books in your institution; and none other? A. And none other books except what you have in your office.

Q. Then I would like to have you point out — have I any book of your office, sir, in which these same entries are any portion of the record? A. Yes, sir; every book —

Q. Well, where, on one book? A. That is not taken from one book, but from various books which I have named. Those books you have.

Gov. Butler. I believe I understand it.

Q. Isn't there a book kept at Tewksbury, an original book of entry of the history of the inmates? A. Not that I have ever anything to do with.

Q. Is there one kept there by anybody? Mr. Wrightington's clerk, when he has been up there, has taken histories, and I think — and I think the old books are sent back. They used to be sent there; whether they are now or not I cannot say. They were up to a certain time.

Q. Is not this the course of business: Mr. Wrightington's clerk, who I see is called history clerk, goes up there and gets the history of the inmates from some source and copies it and puts it into a book? A. Yes, sir. Sometimes it is in a book; originally it used to be on a blank paper he had.

Q. But of later years in a book. And that book is left at Tewksbury, and the copy is sent down here? A. The book is left there now and the original is sent back.

Q. Where are those books? A. Those are in a case that belongs to his clerk, of which he has the key.

Q. Who is the clerk now? A. George E. Farley, I think, now.

Q. How long has he done it? A. He succeeded Col. Tripp. I don't know how long.

Q. Well, about how long? A. Well, it might be two years, and perhaps more than two years. It is about three years, I should think.

Q. Between two and three years. So any record of an inmate on the books of the Board of State Charities, Mr. Wrightington's division, would be the record that they would get

copied from Tewksbury? A. I don't know anything about where he copies his books.

Q. I thought you did. I thought you so told us. A. I am telling you about these particular books; about his others —

Q. I am not talking about his others. I am only talking about this particular book. That record would be got from Tewksbury, wouldn't it? A. Taken from the institution.

Gov. Butler. I believe that is all at present.

Mr. Brown. Do the committee desire me to cross-examine this witness now? There are a few questions I should like to ask.

The Chairman. We have five or six minutes left.

Cross-examination by Mr. Brown.

Q. Mr. Marsh, I want to ask in regard to this book which you have described as a book in which you kept an account of inmates' money. Has any complaint ever come to your attention that the inmates who had deposited money in that institution had never received it? A. I have never had any inmate complain to me about any balance due him.

Q. Have you ever had any complaint up to this date? A. I don't recollect of any.

Q. Any accusation that any public officer, or any officer to whom you had entrusted money belonging to an inmate on leaving the institution, did not account for it to the inmate? A. I think I recollect one case; possibly there may be more than one.

Q. How many years ago? A. I should say two or three years ago, — two years ago; where an inmate came in and entrusted money to the nurse, and the nurse went away and didn't make any account of it to me, and I knew nothing about it.

Q. Now I want to ask you this general question, Mr. Marsh: Here is a book which you have designated as a ledger, and you say that that book was not purchased until some considerable time after the date of the entry which appears on page one, which date is July 1st, 1879. I want to know what experience you have had as a book-keeper. Did you have education as a book-keeper? A. No, sir; I educated myself.

Q. As a book-keeper. And you have been keeping books since 1869? A. I have; yes, sir.

Q. Did you ever have any difficulty in the settlement of

your accounts in the office of the auditor of the Commonwealth? A. Never, sir.

Q. Are your accounts made up independently of his accounts? A. They are.

Q. And you have no opportunity to compare your accounts with those of the auditor until the regular published report from the auditor's office has been issued, have you? A. I don't know that I have ever compared them.

Q. Since you have been book-keeper of that institution have you ever had any complaint from the auditor's office, or from any other source, that your books are not correctly kept? A. Never have.

Q. Now, as a book-keeper, will you tell this committee —

Gov. Butler. He said he never had any education as a book-keeper.

Mr. Brown. Oh, yes; he has educated himself for fourteen years; precisely what you and I have been doing, only a little longer, perhaps.

Q. Now, as a book-keeper, with what education you got, won't you tell me if it is not possible to keep the accounts of Tewksbury almshouse with absolute accuracy without either that journal or that ledger? A. I claim that my accounts have been kept with accuracy, and that I have not purchased that ledger until 1879; and the appropriation account —

Q. You mean for 1882? A. The appropriation account for 1882 is in another ledger, and the gross amount of the expenditure for each month has been posted up to September, 1882, at the close of the almshouse year.

Q. Now, Mr. Marsh you make a monthly return to the auditor's office of the expenditures for the month, including merchandise purchased, subsistence, clothing, and all that sort of thing, and your pay-roll, don't you? A. I send in to the auditor's office every month the original bills of the institution, put up in the way that I have always done them, numbered on the back, the amount, the man's name we purchased of and the amount of the bill; these are all copied on to a long sheet, which I call the schedule, and sent in to the auditor at the end of each month.

Q. Now, that schedule is signed by your father as superintendent, and sworn to? A. It is, sir.

Q. And then it is certified to by the board of trustees? A. It is, sir, and always has been, since 1869. I think the form

of the pay-roll is a little different now from what it was when I first went there.

Q. And that schedule, whatever it is, contains a statement of all the disbursements on account of that institution, including the pay-roll and everything else, for that month? A. It does.

Q. Now, suppose a disbursement should be made during the month of March, for instance, and you should not receive the bill until sometime in April; or suppose a purchase of flour should be made, and you should not receive the bill until sometime in April, would that go into the March statement? A. I should put it into whatever schedule I had my orders to put it.

Q. You would call the attention of the trustees to that fact? A. The bill is usually put into the bill-box at the time they want me to put it into the schedule. If I come across a bill that goes back a month, I generally ask something about it, and I am told to put it into the schedule, or to keep it out, as it happens.

Q. Now, at the end of each year, Mr. Marsh, — you make twelve of these schedules in each year, one for each month. Now, at the end of each year, do you make a consolidated schedule which represents all the purchases for the institution for the year, together with the pay-roll? A. I do, sir.

Q. Is that signed and sworn to? A. It is. Let me see — yes, sir, it is signed and sworn to.

Q. Well, sir, has your attention, during the fourteen years which you have been the book-keeper of this institution, ever been called to any inaccuracy between your consolidated statement, rendered each year, and the auditor's report: the auditor's statement, made up by him? A. No, sir, I don't think it has.

Gov. Butler. But you put in "made up by him." He don't make up any.

Mr. Brown. Who?

Gov. Butler. The auditor — certain as you live.

The Witness. The auditor's clerk makes it up.

Gov. Butler. The auditor has this copy that is sent to him, that is all.

Mr. Brown. Well, I will ask another question.

Q. Whether or not the auditor's consolidated return of expenses at Tewksbury is made up before you send him your consolidated statement? A. I understand that in the account that

is made up in the auditor's room the classification is different from what it is in my schedule.

Q. Did you ever know an instance when, although there was a difference of classification, they did not come out the same: the sum total? A. I never did, sir.

Mr. BROWN. I will prove that by another witness.

Gov. BUTLER. I will agree to that; you need not trouble yourself about that.

Mr. BROWN. You will agree that the book-keeping is all right?

Gov. BUTLER. Oh, no; it is all wrong.

Mr. BROWN. Yet it comes out right.

Gov. BUTLER. No. When a man sends one thing one day and a copy the next day, or a copy a month afterwards of the same thing, unless he makes a mistake in copying, they are alike.

Mr. BROWN. He does not do that. Let us see.

Q. This consolidated statement that you send in at the end of the year is not a copy of anything you send in previously? A. That is made up from my books. I send in month by month.

Q. That is, all the expenses of the institution, including the pay-roll, are footed up. For instance, take John Smith. You have been buying flour of him twelve months of the year. Your previous twelve monthly returns would contain a statement of the flour bought from John Smith in each of the twelve months. A. Yes, sir.

Q. And your consolidated statement at the end of the year would give the aggregate amount of flour bought from John Smith in the entire year? A. Yes, sir.

Q. So it would not be a copy of anything that precedes it? A. I suppose not.

Gov. BUTLER. Is that all?

Mr. BROWN. I understand the chairman we are to adjourn. I am ready to go on further.

Gov. BUTLER. I am in the hands of the committee on that matter.

Adjourned until Tuesday, May 1, at 9.30 A.M.

NINETEENTH HEARING.

TUESDAY, May 1.

The committee met in the Green Room at 9.30 A. M., Senator LORING, of Worcester, in the chair.

The CHAIRMAN. We are all ready, Governor.

GOV. BUTLER. Mr. Brown has the floor.

TESTIMONY OF CHARLES B. MARSH (*resumed*).

Cross-examination by Mr. Brown.

Q. Before those books come, Mr. Marsh, I will ask you a few questions. You have been book-keeper at this institution since sometime in 1869? A. November, 1869, I think.

Q. What part of the time since November, 1869, have you been absent from that institution, if at all? A. Well, in the early part of my going there I used to go away Saturday nights and stay until Monday morning, returning on the first train.

Q. Were you married at that time? A. I was not; I was married three years ago.

Q. And up to the time of your marriage did you live at the institution? A. I did.

Q. And took your meals at your father's table? A. I did, sir.

Q. And by whom were you employed, in the first instance? A. Do you mean who nominated me for the place?

Q. Yes; who nominated you for the place? A. I think the superintendent.

Q. Well, there was a board of trustees in 1869? A. Yes, sir.

Q. Who were the trustees in 1869, do you recollect? A. I think Mr. Elliot, Mr. Spalding and Mr. Nourse. I am not positive about that, however.

Q. Were there more than three? A. Only three. They were not trustees, they were inspectors.

Q Inspectors. Called inspectors under the statute at that time. Do you recollect when the board was increased to five? A. It was in 1879.

Q. And from 1869 to 1879, as you recollect it, there were simply three inspectors? A. That is all.

Q. And in 1879 it was changed to five, and they were designated under the statute as trustees, as you recollect it? A. Yes, sir.

Q. Now when the change was made in the law, Mr. Spalding, Mr. Nourse and Mr. Elliot were appointed trustees.

Gov. BUTLER. No. They were made so by the law.

Q. Then there were two other persons taken in to act with them; Mrs. Hammond and Dr. Pope — Miss Emily Pope. Now, have they continued as trustees, those two ladies, from 1879 until the present time? A. Yes, sir.

Q. How frequently, from 1869 to the present time, speaking generally, have the trustees met at the institution? A. Their regular meeting is once a month. They occasionally have special meetings, and then it comes oftener.

Q. They have had several? A. A great many special meetings.

Q. How frequently have, as a general thing, special meetings been called? Would they have them as often as each alternate month?

Gov. BUTLER. They are all recorded here in this book.

Mr. BROWN. I know it.

Q. Now I want you to give the committtee the routine of the business at this institution, so far as supplying the institution with subsistence is concerned; starting with the superintendent, who, I understand, makes the purchases. He goes out into open market and makes the purchases. What is done next? A. The goods are shipped to the institution, and placed around in the different storehouses, where they are to be kept; the flour in the flour-house; the groceries in the store; and the clothing in the store with the groceries; and the coal is put into the coal-house at the railroad station.

Q. Now in regard to the bills. The vendors of this merchandise, do they send the bill at once, before the end of the month? A. Parties from Boston usually send the bill in the following mail, and sometimes in the package with the goods. Bills from Lowell we do not usually get until we go after them, or write for them.

Q. Now, at the end of each month is there a meeting of the board of trustees? A. They usually meet the last Thursday of each month.

Q. And at that meeting of the trustees are you present? A. Always.

Q. Always. You act as clerk of the board? A. I am clerk of the board, and I do not remember ever being absent but once.

Q. But once during fourteen years. Now I want you to tell the committee what is done with these bills for merchandise, if anything, at the last meeting of the board in each month. A. It usually takes me about a week to get the bills ready for the trustees. I take each bill, examine each item charged, figure the bill out, and put my check against each — "examined by Charles B. Marsh," or my initials, "C. B. M." I then copy my bills into the invoice-book.

Q. Now let us see as we go along. Just pick out the book into which the bill is copied. A. The bills are copied first into this book. I make up my pay-roll; sometimes it is the first, and sometimes it is the last.

Q. Just confine yourself to the bills. A. The bills are copied first into this book, *verbatim et literatim*. Every item is in this book. The bills are then backed, one, two, three, and given a number, the party from whom the goods are purchased, and the amount of the several bills footed up and put into the book. That is then copied into the form which I call my schedule, and the schedule is always —

Mr. Brown. Ask Mr. Hawley to come here with some of those schedules and pay-rolls.

The Witness. The schedule and pay-roll is then copied into this trustees' book. Then after the trustees have signed the schedule, the original bill, with the schedule, is sent to the auditor's department; and I have always understood —

Gov. Butler. Leave out your understanding.

Mr. Brown. Just state simply what you know of your own personal knowledge.

Q. Now, this schedule, as you have said, is made up of these bills, and what else? A. The bills and the pay-roll.

Q. And the pay-roll is made up of what? A. That is the salary of each officer for the month.

Q. That is, it contains a statement of the monthly salary

of every officer connected with the institution who draws a salary? A. Yes, sir.

Q. And also does it contain the name of the amount due monthly to every employee of the institution? A. It does; and it contains the name of the officer, and the amount due him.

Q. And if there are farm hands, their names, with the amount of their monthly pay? A. It has always been so until last year, until they had some Canadians who could not write, and whose names were pretty difficult to read. I put them all down as farm laborers at so much a day. They could not write, and I did not want them to make a mark; so I put down so much for farm labor; my father paid the money over to them, and I have got their receipt.

Q. So that is the way the schedule is made up. Now, go on and state. Do you send this to the auditor's office? A. This is sent, usually on the day of the meeting, to the auditor's office, and it is kept there or somewhere else until we get the check.

Q. Is this schedule signed by the superintendent? A. It is signed by the superintendent and by the trustees.

Q. Sworn to by the superintendent? A. Sworn to by the superintendent.

Q. And certified by the trustees? A. Yes, sir. And that is generally made up in their presence, or at any rate it is signed on the day of their meeting.

Q. Who acts as justice of the peace? A. Mr. Nourse, the chairman of the board.

Q. Now, Mr. Marsh, have you any book which shows your monthly pay-roll? A. I have.

Q. Will you please exhibit that book? A. There [exhibiting the pay-roll] is the last pay-roll, January, 1883; the last bills paid.

Q. January, 1883. That is a correct statement of your monthly pay-roll? A. No. February, 1883; the last one has not been paid.

Q. February, 1883? Here is the pay-roll for March. A. Well, it is March.

Q. This book commences with—? A. I formerly kept that pay-roll in the same book with my bills; but in July, 1882, I changed and had a separate book, so I could put it in at my leisure.

Q. So that since July, 1882, you have kept a copy of your

pay-roll in this book by itself? A. Yes, sir: previous to that you will find it in the invoice of bills.

Q. And that should agree with the schedule which you send to auditor's office? A. That amount and the amount of my bills agree.

Q. Are the names of all the officers and employees put in the schedule which is sent to the auditor's office? A. This is a copy of that.

Q. Now, then, we have this condition of things: that this schedule is made up of the bills and of the pay-roll. Is there any other item, except bills for merchandise purchased and pay-roll, which enters into the schedule which is sent to the auditor's office? A. No, sir.

Q. Then the schedule which is sent to the auditor's office simply shows the disbursements of the institution at Tewksbury? A. In substance; yes, sir.

Q. Now, what are the receipts of the institution? A. Those are kept in my cash-book.

Q. That is the book? [Exhibiting a book.] A. Yes, sir. There are receipts on the January pay-roll for money paid out the last month: paid out from the institution.

Gov. Butler. Well, that is what is asked for. The receipts are on the other side of this same book.

Q. Well, the receipts of this institution, as shown by your cash-book, consist of what? A. Articles sold at the institution; products of the farm, or any other article sold at the institution.

Q. Well, now, does the debit of your cash account also show the amount of the monthly warrant which is drawn to pay these bills and pay-roll? A. It does.

Q. So that these two items, the total, are at least the amount of the monthly warrant drawn to pay the bills and pay-roll —? A. It does not include all the monthly bills, but simply pay-roll and a few cash bills, for which I did not draw a check. The payments for other bills appear upon my check-book. I don't see my check-book here.

Q. Well, never mind about that. Now, I want you to state to the committee — you stated yesterday that this journal and this ledger were not necessary to accuracy, in order for you to keep correct accounts of the business of this institution. I want you to tell the committee what is the purpose for which you keep this journal and this ledger. A. Well, perhaps I should not state that they are not necessary: but if I post up

the gross amount of the appropriation and expenditure at the end of the year, which I have done in my ledger, I can carry on the work of the institution just as well as though every account was posted. The items which make up this gross amount I can post up at my leisure, and the work of the institution won't interfere with it at all. You will find the balance of the appropriation remaining at the end of 1882 shown on my ledger.

Q. Now, when did you commence to keep a journal and a ledger, when you first went into the employ of the institution? A. I did, and have kept them ever since.

Q. Do you know, have you ever had occasion to know the purpose for which that journal and ledger were kept? A. I know it is a more convenient form to post my ledger from my journal than any other.

Q. Well, did it have any purpose except this and this simply: that one who desired to examine an account readily could find it summarized in the ledger, after all the items had been journalized — could find it summarized in the ledger, and in that way ascertain? For instance, take the item of flour; you could ascertain by comparison of 1883 with 1882 how much flour was used in the month of January compared with any part of the year. Was there any advantage except that?

Gov. Butler. Is there any such summarization of the record?

The Witness. The ledger won't show whether it was flour or some other thing.

Q. (By Mr. Brown.) But the ledger would show the name of the firm with whom you dealt in flour and grain? A. That is so.

Q. In that way you could tell readily by comparing your ledger account of 1883 with 1882, whether in the month of January you bought more flour than you did in the month of January, 1882, could you not? A. I don't know as I could tell from my ledger, but I have a book — perhaps I should state that it is kept in a drawer, — which I will send to you if you want it, where I have taken off the expenditures for each month. It is no part of the books of the institution, but I have done it for my own convenience. I have taken off each item for a number of years, say from 1868 or 1869, I think.

Gov. Butler. It could not be earlier than 1869.

The Witness. It was kept before I went there. I have

simply picked out the different items purchased. It is for my own convenience in making up my accounts.

Gov. BUTLER. It is wonderful that we haven't heard about that book before.

Q. Is it anything more than a comparative statement? A. It is taken off of my journal and is no part of the books of the institution. It is something I got up myself.

Gov. BUTLER. I thought you said it was kept before you went there?

The WITNESS. Not in this form. I have got every year made out for my own convenience.

Q. And that was kept simply for your own personal accommodation? A. In making up my annual account it was picked out from this book.

Q. You lived until somewhere about 1880 in your father's family and ate at his table, did you? A. I lived from 1869 to 1880 at my father's table.

Q. I want to know if your father has a grandson by the name of Davis? A. If he has I never heard of him.

Q. You never saw him and never heard of him? A. No, sir.

Q. What grandchildren has your father within your knowledge? A. He has two girls in the Davis family, two boys and a girl in the Atwood family, and in the Hanson family he has two girls and a boy.

Q. Now, Mr. Marsh, was there any boy — you recollect Mr. Dudley? A. I do.

Q. Was there any boy in your father's family at his table during the period when Mr. Dudley was at that institution, by the name of Davis? A. Never.

Q. Was there any boy there by the name of Atwood? A. Not permanently; there may have been one occasionally.

Q. What is the name of your nephew Atwood? What is his full name? A. There are two in that family, Charles and Luther.

Q. Where are they? A. Luther is at school at Harvard College. Charles is a tutor, and I think is now employed at Phillips Exeter Academy as temporary teacher, at Exeter, N. H. He has taken the place of one of the teachers who is there.

Mr. BROWN. Mr. Chairman, I will take one of these monthly accounts simply for the purpose of illustration. I take the monthly account dated Dec. 26, 1879. It is headed, "To the

trustees of the State almshouse, Tewksbury, Dec. 26th, 1879. The bills which have been examined and are now presented to you are." Then there is a column to designate the number; then the name and description of the bill, dollars and cents. The bill for that month amounts to $1,476.22. Well, this does not seem to be the end of it. It says "amount carried forward." Get me a complete one; part of this seems to be wanting. [Receives another monthly account.]

Gov. BUTLER. What is the date of it, sir?

Mr. BROWN. This is Jan. 29, 1880. The same date, two sheets of paper, and the total amount is $5,243 27. That account has ninety-nine vouchers, or ninety-nine numbers. Ninety-nine is the number of the items. The certificate annexed to the items is as follows: —

"I, Thomas J. Marsh, superintendent of the State almshouse at Tewksbury, and disbursing officer of said institution, certify that there is due to the parties named in the within schedule the sums set against their respective names, amounting in the aggregate to $5,243.27, and that the articles charged have been furnished and delivered, and the services rendered as set forth in the bills referred to in said schedule, and that the prices are just and reasonable and the current market rates for such supplies and services at the time they were furnished or rendered.

"THOMAS J. MARSH.

"MIDDLESEX, ss. Subscribed and sworn to this twenty-ninth day of January, 1880, before me.

"F. H. NOURSE, *Justice of the Peace.*"

Then appears the following certificate: —

"STATE ALMSHOUSE, TEWKSBURY.

"We, the undersigned, trustees of the State almshouse, certify that we have examined the bills of which the within is a correct schedule, and do approve the same for the amount of $5,243.27.

"Signed, F. H. NOURSE,
GEORGE P. ELLIOT,
EMILY F. POPE,
W. R. SPALDING,
Trustees."

Q. Is that the form of the account as it is usually made by you and certified by the trustees? A. Always.

Q. Is that the form of the pay-roll? [Exhibiting a pay-roll.] A. The form of the pay-roll has been changed since I

went there. You will see that I have written in the word trustees instead of inspectors. There has been a later form of pay-roll.

Q. Mr. Marsh, please examine that and tell me if that is a schedule for February, 1883?

Gov. Butler. That would be the same thing, wouldn't it?

Mr. Brown. He says there has been a little change in the form of the account.

Gov. Butler. Only in the form.

Mr. Brown. Then I won't spend any time about that.

The Witness. That is substantially the same.

Mr. Brown. The first item of this bill is pay-roll salaries.

The Witness. The pay-roll goes with it.

Gov. Butler. What date is that?

Mr. Brown. February 22, 1883. There is the pay-roll which goes with it. And all the other items are substantially the same; that is, follow upon the same principle.

Q. That contains a statement of the bills for merchandise furnished the institution during the month, the bills for which had been furnished to the institution on that day, and had been examined by you, and then and there were submitted to the trustees for their examination and approval. Is that correct? A. Yes, sir.

Mr. Brown. This amounts to $4,708.43.

Q. Now, leaving this subject here, let us go back to where we were before. For the purpose of being clear about it, can you give me the time when Mr. Dudley was at the institution, as near as you can recollect? The dates I want. A. I could not attempt to give the date from memory, because I don't carry these things in my head; I trust to my record.

Q. Now, I want to know what has been the practice of your father, if any, in regard to having members of his family, — that is, children and grandchildren, — who were not employed at the institution, at the house and at his table? A. I don't know, I am sure, what the custom has been with the grandchildren. They occasionally visited the house, and if they have been there they have taken their meals at our table.

Q. Have they been there very frequently? A. During their summer vacation, or during any vacation they would have, it would not be unusual for them to come up and spend a day or two, or perhaps a week. When they were there they would have their meals with us.

Q. You have stated in regard to the purchase of goods and their distribution to the institution. Who has had charge, during the last six or seven years, of the farm, under the superintendent, if anybody? A. The head farmer has been Mr. James Poor.

Q. Until when? A. I think until June, 1882.

Q. Who succeeded Mr. Poor, if anybody? A. There has not been anybody to take his place excepting the superintendent, who has done the work that Mr. Poor formerly did, — supervised the farm. He has acted as foreman about the barn and premises. Mr. Colbath has taken care of the cattle. We formerly called that man a herdsman.

Q. Any other man occupied that position after Mr. Poor left? A. No one but the superintendent. The superintendent has had charge of the farm.

Q. Well, has there been a man connected with the farm in any way by the name of Warren Frost? A. Yes, sir.

Q. Was he there before Mr. Poor? A. He was there at various times under Mr. Poor. He came and left.

Q. So that Mr. Poor and Mr. Colbath are really the foremen at the barn and around the farm buildings. Now, who has had charge of the kitchen during the last six or eight years? A. Do you mean the inmates' cooking-kitchen?

Q. I mean the large kitchen of the institution. A. Mr. Barnard has had it for a number of years. I don't remember just how many. Before that, he had charge of it quite a number of years, and left there and came back.

Q. Who has been the cook? A. Mr. Barnard has had charge of the inmates' cooking.

Q Who was the baker? A. Mr. Barrett.

Q. Who is Mr. Barrett? A. Daniel M. Barrett. He was at one time city marshal at Lynn, and has also been a member of the legislature.

Q. A member of the legislature: when? A. I don't remember the year.

Q. How many years has he been there as baker? A. Well, it is guess work, but I should say six or seven; my books will show.

Q. Now, you bake your own bread of all kinds? A. Yes, sir.

Q. And bake your own crackers? A. Yes, sir.

Q. Now, I want to know, in regard to the food of the insti-

tution, which is furnished to your father's table. Is the same bread which is furnished to the inmates served upon your father's table? A. It is when there is any Graham bread made. We have that sent in to our table.

Q. The same bread? A. The same bread; and a great many of us prefer the flour that is made into bread in the inmates' hall, the bake-room.

Q. Now, I want you to tell me whether the Graham bread manufactured for the inmates has invariably been served at your father's table since 1869, when you went there? A. We never have had any other Graham bread.

Q. Now, you say you have sometimes had the flour bread baked for the inmates upon your father's table. What other bread have you? A. We have bread baked in our part of the house; in our kitchen.

Q. What is the difference between the two kinds of bread? A. One is a little whiter flour than the other; no difference in the quality of the bread that I know of.

Q. Are you sufficiently acquainted with the price of flour to know what is the difference in the market price of the flour? A. Well, perhaps a dollar and a half.

Q. Difference? A. Yes, sir. That may be guess-work.

Q. To what extent, since 1869, has the flour which has been cooked for the inmates in the general kitchen by the general baker been served upon your father's table? A. Well, it has always been the custom to have bread brought in from the inmates' dining-room; that is, when it is first made: fresh bread. For myself, I prefer it.

Q. Now, I want to know in regard to other articles of food. Take it when you have a fish dinner; is any part of that fish which is served to the inmates, served upon your father's table, if within your knowledge? A. I don't know that fish ever was. I know the brown bread we have every Sunday morning is baked with the inmates' bread, and is baked for them.

Q. Do you have brown bread and beans at your father's table every Sunday? A. We do, every Sunday.

Q. The same as baked for the inmates? A. The same lot.

Q. Now, I want to ask you about the bathing. Are you in the habit of taking a bath occasionally? A. I do.

Q. Whether or not you are in the habit of bathing in the same tub where some of the inmates are in the habit of bathing? A. I do; every Saturday night.

Q. Every Saturday night you bathe in the tub where the inmates have been in the habit of bathing. For how many years? A. About fourteen years.

Q. Now, where is that tub situated? Who are the people in the habit of bathing in it? A. All the inmates. The workingmen bathe in that tub. It is one of six or seven which are in a row in the bath-room under the office.

Q. Now, you say all the inmates. Do you refer to those in the hospital? A. By that I refer to all who are not in the hospital.

Q. And by that you refer to those people who are confined in the main building, which includes your father's quarters, the officers' dining-room, the kitchen for the superintendent and the officers? A. Well, most of the officers bathed in what they called the farmers' bathing-tub. The farmers had a bathing-tub of their own, and this tub was put in for the inmates and used wholly by the inmates, with such officers as preferred it to any other bathing-tub.

Q. Now, what is the custom. Take it, for instance, in the men's department; when a man comes to Tewksbury with a suit of clothes what do you do with it? A. In the first place the clothes are thoroughly inspected to see if they are in suitable condition to be put on the rack with other clothing. If there is any vermin it is put into the exterminator, which is an iron cylinder with a cap fastened down with screws and plates. The steam is let on and that kills everything there is in the clothing, whether vermin or small-pox. If they are not fit to go in the exterminator they are thrown under the boiler and burned.

Q. Everything that is worth saving is put into the exterminator and cleansed, and then what is done with it? A. Then it goes over to the laundry and is washed, and an account is kept of each man's clothing, the number of pieces that he has, and when this is brought back to the store-room it is rolled up in a bundle and put up on a rack, all arranged alphabetically.

Q. And this store-room is directly under the office? A. And the room where the trustees meet.

Q. Now, Mr. Marsh, for the period of fourteen years has it been your duty to look after the inspection of this clothing when it comes to the almshouse? A. No, sir.

Q. Or in any way to see that it is properly packed away? A. No, sir; that has not been my work.

Q. How frequently have you had occasion to see what kind

of clothing comes there? A. I see almost every person who enters the gate.

Q. Do they usually bring clothing of any special value? A. I have not seen any great quantity of it.

Q. Have you ever seen a woman come to the institution, since you have been there, with a sealskin jacket? A. Never in my life.

Q. Did you ever see a woman come there with a silk dress? A. Never.

Q. Have you ever inspected the clothing department of the female department? A. I have.

Q. For the purpose of ascertaining what is in that store-room? A. I have, several times.

Q. How many silk dresses are in that store-room? A. I have never seen but two, and I think they are there to-day.

Q. How long have they been there, to your knowledge? A. One, to my certain knowledge, has been there six or seven years.

Q. And the other? A. That I don't know how long.

Q. Have you examined those dresses recently, for the purpose of seeing whether they were still there? A. I have.

Q. When? A. I saw them no longer ago than last Thursday.

Q. What was their condition? A. One was in a very good condition, I should think, for the style of the silk, rather antiquated; the other one was half silk and half alpaca; the waist was alpaca, I think, and the skirt was silk.

Q. Now, do you have any person in charge of this department, — that is, the apparel of the men, the men's store-room? A. That is under the charge of the assistant superintendent, and he delegates part of the work to the man we call French Joe.

Q. French Joe? A. He and one or two other inmates.

Q. Who has charge of the store-room where the women's clothing is kept? A. Miss Locke.

Q. How long has she been in charge of that department? A. Six or seven years.

Q. Has she ever been absent for any considerable portion of the time, within your knowledge? A. I suppose she takes her usual vacation, two weeks at a time; I don't think last year she took any.

Q. That is two weeks in each year? A. Yes, sir.

Q. Now, Mr. Marsh, what is the custom when a person is ready to be discharged from the institution, what do you do with the old clothes? A. If they have clothing that belongs to the institution, they are taken down into the baggage-room, their clothing is taken off of them, and they have what they brought into the house, which has been washed and cleansed; and, if they are deficient in anything, coats, pants or vest, that is furnished from the institution stock, sometimes new and sometimes old.

Q. Supposing they were deficient in shoes on the date of their departure from the institution, would you put on them a new pair of shoes? A. Not necessarily a new pair, but a pair that was fit for them to wear, either mended or new.

Q. Something which you would have at the institution? A. Yes, sir.

Q. But not always a new pair? A. No, sir.

Q. But, if you didn't have any old pair that would do, you would issue a new pair, would you? A. It would depend very much on the kind of man who was going out. If it was a man who had worked on the farm, or anywhere else, and had earned a pair of shoes, he would be fitted up. If it was a man who hadn't done much, or been there long, he would probably wear out what he wore in; that is, if he hadn't been there but a day or two. But, usually, a man going out is made comfortable, or a woman either.

Q. Now, take the lying-in hospital and hospital for women; who has charge of that? A. I think the assistant physicians alternate in the care of it.

Q. There are three assistant physicians, or two? A. There are two assistants.

Q. How long has Dr. Lathrop been there? A. He came there in 1875.

Q. And who are now the assistant physicians? A. Dr. William D. Otterson and Dr. Anna M. Wilkin.

Q. How long has Miss Wilkins been there? A. It is Wilkin, not Wilkins; she has been there about a year.

Q. Who was her predecessor? A. I don't pretend to give the dates right, because I cannot: I am not in the habit of carrying them.

Q. I don't care for them exactly; who has been the predecessor? A. The female assistant, before she went there, was Dr. Pease afterwards Dr. Abbott.

Q. Dr. Abbott? A. Mrs. Dr. Abbott.

Q. Now, when and during what period was your sister, Miss Nellie Marsh, there as physician? A. The date I don't remember; can't tell; it was 1874 to 1876; perhaps not as long as to 1876.

Q. Now, I want you to tell us whether there are different wards in the female hospital? A. As arranged at present?

Q. As arranged at present? A. Yes, sir: it is made up of a brick hospital and two wooden wings.

Q. And are the sick in each hospital classified? A. Yes, sir.

Q. What is the classification? A. The brick hospital is divided up into rooms where they keep the bad cases, — that is, cases that they don't care to have in the open ward of the hospital: cases of sores, or sore head, or any disagreeable case, are put into these single rooms. There is a corridor extending up and down the hospital, and the rooms open out on each side, perhaps fourteen rooms in the brick hospital. And this brick hospital is connected by a wooden corridor on each side with wooden buildings, which we call 18 and 19: those are the hospital buildings, and in these are kept the general hospital patients, up stairs and down.

Q. And what kind of sick persons are put in these several wards? A. Well, anything that comes into the house: any chronic case of rheumatism, — well, it is the general hospital of the institution.

Q. Now, in regard to the children's hospital; is there any classification of them? A. Sick children are usually sent to the women's hospital, unless it is a young child: I don't think they keep children in the children's building that are sick: I think they are usually sent to the hospital.

Q. Now, take the insane hospital: what is the force in attendance there? A. We don't call it a hospital, but an asylum.

Q. Asylum, — what is the force in attendance there? A. The asylum building is about 250 feet long. It is divided in the centre by a fire-proof wall, and in one half of it we have a man and his wife and a female attendant, and the same in the other half; that is divided again into two halves and we have a man and his wife in each half of that.

Q. That is to say, in the insane hospital for women? A. We have three men and four women.

Q. Three men and four women; and, as to the routine of duty, — are there two men on duty in the night-time, and two in the daytime? A. Do you mean in the asylum?

Q. In the asylum? A. The man and his wife sleep in the building; I don't know that any one is up in the night, but the watchman of the place goes through the building every hour. I don't know whether he goes through every ward every hour.

Q. Now, I want to know in regard to the bathing apparatus for the insane hospital; what is it?

Gov. Butler. As it is now?

Mr. Brown. As it is now, and then I will show what it has been. As it is now, what is the apparatus for bathing at the insane asylum? A. In the western half of the asylum, which is under the care of Mr. and Mrs. Bean and Miss O'Connor, there is a long bath-room, I should say thirty feet long, and in that bath-room I should judge there were seven or eight bath-tubs with hot and cold water and plenty of it.

Q. What kind of tubs? A. Iron bath-tubs, painted inside and out.

Q. Painted what color? A. Painted white inside and green, I think, out. And between each bath-tub is a wooden partition extending the length of the tub, but open in front, so that each one who bathes is separate from the next bather.

Q. Now, how long has that condition of things existed?

Gov. Butler. Do you mean when the tubs were put in?

Mr. Brown. When were the tubs put in; yes, sir. A. When the asylum was built in 1866, the first half of the asylum.

Gov. Butler. Beg your pardon, sir; answer the question.

Q. When were these tubs first put in? A. I thought I was answering the question; they were put in in 1866, when the building was first put up, — two tubs in each half of the asylum.

Q. That is, two of these individual bath-tubs in each half of the asylum? A. Yes, sir; and you will find my bill for them from T. F. Clogston.

Q Now, from time to time the number of bath-tubs on each side of that asylum has been increased, has it? A. There are more there now, and has been for six or seven years, than formerly.

Q. Now, sir, was there any pool, as it was called, some foot and a half in depth and fifteen feet wide, or any number of feet wide? Large pools in which any number of persons were sent

to bathe? A. Yes, sir; that was the original bathing apparatus of the institution.

Q. And when was that there? A. That was there when the present superintendent went there.

Q. In 1858? A. Yes, sir.

Q. Was it there in 1876; or, take 1869, when you went there; was it there in 1869? A. I don't remember the date it was taken out. I cannot tell.

Q. Well, do you recollect whether the pool and the two individual bath-tubs were there at one and the same time? A. They were.

Q. They were? A. Yes, sir.

Q. Now, since those new bath-tubs were put into that institution, as you have described, have they always had hot and cold water connected with them? A. They have; yes, sir.

Q. Within your knowledge, has there ever been any deficiency in the supply of hot and cold water in this insane hospital for bathing purposes? A. I don't think there has been.

Q. Have you ever heard any complaint? A. I don't think I ever did.

Q. Do you know Mr. Barker who testified here as a witness? A. I do.

Q. Did you ever have any complaint from him, when he was there at the institution, as to an insufficiency of water for bathing purposes in the insane hospital? A. I never heard of any complaint.

Q. Did ever there come to your knowledge this state of things, — that a large number of persons in a filthy condition were required to bathe in the same water; in the same tub? A. Never was required; no, sir.

Q. Did you ever hear that such a thing took place there? A. I never did.

Q. You never did? A. No, sir.

Q. Now, I want to ask you in that connection one other question, — you are usually in the office, are you? A. That is my headquarters.

Q. And from what time in the morning till what time in the afternoon may you usually be found in the office of the institution at Tewksbury? A. Well, it is very seldom they have to call me to the office for anything.

Q. And you are there how many days in the year, do you

think, on an average? A. I don't think I have ever taken a vacation since I have been there.

Q. During the fourteen years you have been there, or nearly, fourteen years next November, you have never had a vacation? A. That is, I have been out and, perhaps, spent two or three days at a time in the summer, but never longer than that, except once, I was gone ten days.

Q. When was that? A. That was when I went to the Centennial.

Q. Now, during that time, you wish this committee to understand that you have been, during the ordinary business hours, at your office? A. I have, sir.

Q. Now, when people came to make complaints, within your knowledge, do they usually come there to the office to find the superintendent? A. They do.

Q. Whether or not, they usually call your attention? A. It is always the custom, if they have any complaint to make, for them to ask if the superintendent is in. If he is in they make their complaint to him, if they have any to make.

Q. Supposing he is not in? A. If he is not in they tell me, very often, what they are going to complain about, and I tell them they must see the superintendent, that I have nothing to do with it.

Q. Now, how frequently have you had people come to you to make complaints? A. Oh, not very frequently.

Q. And you never heard any complaint about the bath, the bathing apparatus? A. No, sir.

Q. Or insufficiency of bathing apparatus or insufficiency of water? A. I never heard of any insufficiency of water.

Q. Well, have you ever heard of any insufficiency in bathing apparatus? A. I did at the time what you call the pools were there; everybody complained about it; I did, as much as anybody; and the superintendent, too; but it was the best we had, and the best we could get. The city of Boston had the same arrangement for bathing.

Q. At what institution? A. Deer Island.

Q. Now, Mr. Marsh, take the hospital for the men; but, first, you have referred to what is called the "shanty"; now, just describe that to the committee more fully. A. That is a two-story brick building, or two stories and a half.

Gov. Butler. I don't want to interrupt, except as a mere matter of time; I suppose the doctors must know more about

this than the clerk does, or are they going to put the whole burden on the clerk.

Mr. Brown. No, sir; we are going to have the whole crowd on, so you will have a chance on them all.

Gov. Butler. I don't want a chance to take this man; he don't know anything about it.

Mr. Brown. I want him.

Gov. Butler. He has spent all his time, if he is to be believed, in the office and not inspecting the buildings.

The Chairman. Go on, Mr. Brown.

Mr. Brown. Mr. Marsh, tell us what you mean by the shanty? A. It is a story and a half brick building divided into two rooms down stairs and one large room upstairs, where the inmates stay during the daytime when there is no work, and some sleep upstairs at night.

Q. A sort of lounging place? A. Lounging place; yes, sir; where they can smoke, play cards, anything they are a mind to, as long as they behave themselves.

Q. Now, take the men's hospital, that is the large building directly on the right as you enter the ground? A. Yes, sir; 318 feet long.

Q. Into how many wards is it divided? A. The long part of the hospital is divided into two wards, and there is a square building at each end, thirty feet square; that is divided up into smaller wards.

Q. Is there a chapel there? A. The chapel is beyond the hospital itself.

Q. How large is the chapel? A. I should think that chapel was 70 or 80 feet long, with a ward upstairs used as a dormitory.

Q. Who officiates at the chapel? A. The different clergymen of the town alternate, and once a month we have a Catholic priest.

Q. And what Catholic priest has officiated at the chapel since you have been there, either at funeral ceremonies or upon the monthly occasions referred to; since you have been connected with the institution? A. There have been two that I remember; possibly three.

Q. Give us the names? A. Father Buckle, Edmund Buckle, I think.

Q. Edmund Buckle, from where? A. He is now at Wilton, N. H.

Q. And who else? A. Rev. Father Gigault of Lowell; he is the present officiating priest.

Q. And he is at present from Lowell, isn't he? A. Yes, sir.

Q. Any other that you recollect? A. There is one, I think, whose name was Kiernan, I think he preceded Father Buckle.

Q. Is the dispensary in this hospital? A. It is between the two hospitals.

Q. Is there any officer in charge of the dispensary? A. It is the headquarters of the three physicians.

Q. I want you, by the way, to give me the names of each one of the attendants at the insane asylum? A. You mean their full names?

Q. Their full names, if you can. A. At one end is Marshal.

Q. (By Gov. Butler.) They are all here, I suppose, unless they have changed since January? [Referring to the auditor's report.] A. I think they are all there.

Mr. Brown. Then, we will simply refer to that; they are found on pages 159 and 160 of the auditor's report.

Direct examination by Gov. Butler.

Q. I have a question or two upon this matter. We will take Jan. 29, 1880; now, sir, you prepared this list, did you? A. I did, sir.

Q. Of the expenditures; and you have certain receipted bills to correspond with this list? A. Not when that was prepared they were not receipted.

Q. Certain bills or invoices that compared with this? A. Yes, sir.

Q. At the time this is prepared these invoices are not receipted? A. No, sir.

Q. Then, between the time of the preparation of this list do you get the invoices receipted? A. That is made at the time I make up my monthly account for the trustees. That is a copy of the bills which I put on to my bill-book, invoice-book.

Q. They are not receipted? A. That is before they are paid.

Q. That is for the month of January, and those are the bills for the preceding month? A. That is for January, 1880.

Q. Now, then, this list is examined by the trustees, and checked? A. Yes, sir.

Q. That is, I suppose, one holds the bill or invoice, and the

other sees — A. That they correspond with the amount on the back of the bills.

Q. What do you mean by the back of the bills? Don't they open the bills? A. Yes, sir; they examine each bill, but the bills are done up into bundles; each man's several bills are numbered so as to correspond with that schedule.

Q. Every one of the bills are numbered? A. That happens to be the pay-roll you are looking at now: the schedule of the bills is underneath. There may be half a dozen different bills to make up each man's account. They first run through and see that the number and name and amount agree with the schedule; then they open each bill and look at each item in detail.

Q. Look at each item, and then they check it? A. That check is made when they are calling off the bills from the bundle on the desk, from the outside.

Q. Precisely, and then? A. And then they take the bills and examine each bill.

Q. That is, look at it and see what the amounts are? A. What the purchase is, and price paid, and everything.

Q. And then; any checking done after that? A. There is no check made on the bill, I think; but after the bill is paid there is a check made on the other side of the column, you will find there, after it is receipted.

Q. When is it receipted? A. It is receipted after they come back from the auditor's office: as soon as they have been examined down there.

Q. I was going to ask you just that. They are sent down to the auditor's office and examined there, and come back from there, and then they are paid? A. They are paid: yes, sir.

Q. Upon those bills a warrant is got for so much money for the superintendent to pay the bills with that are shown here? A. Yes, sir.

Q. And then he takes the money and pays the bills in his own way? A. The treasurer gives him a check. Shall I describe the manner of paying the bills?

Q. Yes. A. The treasurer gives him his check.

Q. The treasurer of the Commonwealth? A. The treasurer of the Commonwealth gives him his check for the amount of the schedule. That check is carried to Lowell and deposited in the Appleton National Bank; the amount of the Lowell bills is left in the bank, and the cashier of that bank gives him a

check for the amount of the Boston bills, which is brought down and deposited in the Second National Bank of Boston.

Q. And then Mr. Superintendent — A. Gives his check on those banks for the payment of the bills.

Q. Except such as he chooses to pay in cash? A. That shows on my cash-book; yes, sir. Those are small amounts which he don't draw any check for; usually they are people right about the neighborhood.

Q. Now, then, this is copied in here? [Referring to the book.] A. Yes, sir.

Q. And you have a copy of each month's bills in that way? A. Yes, sir.

Q. So that the auditor's account, unless there is some blunder, the auditor's account and this account must exactly correspond? A. Yes, sir.

Q. And do exactly correspond? A. Yes, sir.

Q. Have you ever had, during the whole time you were there, a single account sent back by the auditor on the ground that there was anything wrong in it? A. I think once or twice I had a mistake in a bill, where I figured one figure and he another, — a three or a five, or something of that kind.

Q. Nothing more than that? A. I don't recollect anything more now, sir.

Q. Then all the auditor does, so far as to the practical work of this thing is, that he sees that there are vouchers, there are unreceipted bills for this amount, for the amount on this list, and he thereupon certifies such an account, and the governor draws his warrant, and the treasurer pays it? A. I don't know what the auditor's routine is with the bills.

Q. And, during the whole time there has only been, so far as you were concerned and he was concerned, occasions when a three or a five was mistaken by one or the other, or some other figure? A. That is all I recall now; I don't think of any any other.

Q. You are right, I think, sir, as far as that goes. So that, at the end of the year, of course, your account and the auditor's account must agree? A. I don't see how it can help being so.

Q. Must agree; then, at the end of the year, all that is done is that there is an aggregate made of these monthly returns — monthly accounts — and that makes up the expenditures for the year? A. No, sir; in making up my account for the auditor, I take altogether a different course.

Q. Now let us hear what that is? A. It is not made up from that book at all. I don't consult that book in making up my account for the auditor, but my original bill book. I have certain headings which, for convenience I use in making up my account to the auditor.

Q. You have your original day book? A. Yes, sir.

Q. Is that the day book that is here? A. It is this one. For instance, I will take this page, and I will go through it and pick out the sugar, so many pounds of sugar amounting to so much; so many hogsheads of molasses — I have a heading for molasses.

Q. Then you have in your day book a heading for sugar and for molasses, and so for every other kind of expenditure? A. Not the day book, but the book I use for making up the accounts.

Q. Whatever you call it; you called it your original day book, and that is what I said. A. I call it my invoice book, and my account for the auditor is wholly made up from that book, without reference to any other, — my twelve months.

Q. You don't even go over this, where you have an exact copy of the auditor's account, you don't even go over this to see you check and make no mistakes. A. I have nothing to do with the auditor's account.

Q. I know; but you have this, which is a duplicate of the auditor's account; you don't check this? A. I know that the amount on my trustees' book agrees with that; I see that every month.

Q. Now, then, which is put down first, — is the schedule made first or this book made first? A. This is the original entry I make of all the bills of the institution; that is my first step.

Q. All right, I think I understand that. Now, we have got the auditing of the accounts on the one side. Now, I want to ask you, — you were asked about buying merchandise, — a lot of sugar, we will say, — I take that for instance, or a lot of tea, just as well, — a lot of tea is bought, and comes into the institution, or a lot of sugar, — perhaps I might as well take the sugar, — comes to the institution, comes upon the cars, probably; what is the first thing done with it? A. It is carried to the grocery store.

Q. What? A. Carried to the grocery store, and the bill is sent to the superintendent to check.

Q. What is the next thing done with it? A. Well, I don't run the store, and I don't know the regular routine of giving out supplies; that is no part of my duty.

Q. The next thing is to deliver it, as wanted; to issue it? A. Yes, sir.

Q. Is it weighed? A. That I don't know.

Q. Whether it is short weight or any weight you don't know? A. I know, if it is anything that can be counted, and if there is anything short it is always reported on the bill.

Q. But when it comes to weighing you don't know? A. I don't know.

Q. Now, take coal; is that weighed? A. I think it is.

Q. Where? A. I think it is weighed on our scales.

Q. Weighed as it is received, or weighed as it is delivered? A. Weighed as received.

Q. Any account kept of that? A. Yes, sir; I think so.

Q. Where is that account? A. I don't know, sir.

Q. Who keeps it? A. You are asking me something I don't know anything about.

Q. Oh, but the accounts of this institution! You are the clerk, and who keeps that account? A. All the coal that is bought you will find on my books.

Q. Pardon me; you will find all that is billed on your book. A. Just the same thing.

Q. We shall see by and by that all that is bought is not sent there, perhaps; all that is billed is on the books, I agree. Now, what is done with that account of the coal being weighed? A. I don't know whether any such account is kept or not.

Q. Then why did you say so? A. I say I think there is.

Q. What makes you think so? A. I have an indistinct recollection of seeing it, but not so distinct I could swear to it.

Q. Ever see it more than once? A. I don't know I ever saw it once.

Q. Then, your recollection is so indistinct you don't know there ever was such an account? A. Yes, sir; exactly.

Q. I wish you would not tell me there was, hereafter — A. I told you I thought there was, but I don't know.

Q. When it is so indistinct as that; I don't want your thoughts. I want what your memory is. A. I told you I didn't know.

Q. Very well, now we will take sugar; is that weighed? A. That I don't know.

Q. Take the tea, is that weighed? A. I don't know.

Q. Did you ever see any account at all, or any examination, to see whether the goods were delivered that were bought? A. I have, a great many times; I have seen pieces of crockery, — everything is counted.

Q. What is done with those accounts? A. If there is anything short it is reported to the firm that we buy of.

Q. Who does that? A. That is done by the superintendent; that is, the report is made by the one who opens the goods.

Q. A report in writing? A. It is reported on the bill, so many pieces.

Q. Yes, so many pieces short; but things that are not counted as a rule, I mean the kind of things we don't count, — we don't count butter, you know, nor cheese, nor sugar, nor tea, — is any account kept of that; any examination of that? A. Well, they check so many barrels of flour, so many tubs of butter.

Q. But the contents of it? A. I don't know about that.

Q. And you don't know about the other, I understand? A. I do know about the pieces of crockery.

Q. I am very glad they keep account of the crockery. Well, now, we have got that, on that side of it. Won't you show me the number of tons of coal in your annual account, say for the year 1881? A. To make up that account I go over every month on the invoice-book from January to January.

Q. Isn't it put down on that book that is at home? A. I think likely it is.

Q. Don't you know it is? A. Yes, I know it is.

Q. Then, if I could have that book at home — A. You shall have it to-morrow morning. Yesterday, when I took —

Q. Why haven't I had it before? A. I am telling you why you didn't have it before. It was in another place. The others were in my safe. That is a book of my own get up, and I kept it for my own convenience, and nobody else's. It is not, properly, a book of the institution.

Q. Did they pay for it? A. I don't know whether they did or not.

Q. Didn't they pay for it? A. I buy a good many books myself.

Q. Was that book made to order, or bought in the market? A. Bought just as it stands.

Q. Were these books, the three top ones, made to order? A. No, sir.

Q. Or bought in the market? A. Bought in the market.

Q. And was that ledger made to order, or bought in the market? A. The ledger was bought in the market.

Q. But these books, the trustees' record and the register, were made to order? A. Yes, sir.

Q. I shall find them on the bills. Then, the account that goes to the auditor is simply the account you return him of the pay-roll and of the bills paid; that is all the account that goes to the auditor? A. At the end of the year I make up the account of the annual disbursements.

Q. And that agrees with the monthly returns of course? A. Yes, sir.

Q. Then, at the end of the year, where you send to the auditor monthly, these bills are aggregated, that is all? A. Yes, sir.

Q. Then all he knows is that he has received a certificate from you, approved by the trustees, that you paid out so much money on the pay-rolls, and that you paid out so much money for other expenditures? A. The receipted bills all go back to his office.

Q. Yes, I see; receipted bills, — that is, so much has been paid out. Now, then, have the trustees ever found fault with the amount paid by the superintendent in the accounts, in these bills? A. Yes, sir; they have.

Q. That he paid too much? A. Bills have laid over, and they have refused to approve bills.

Q. What is done with those bills; they didn't go to the auditor, clearly, so that all the bills didn't go every month? A. These bills went to the auditor with the endorsement on the back, such bills will be approved on such conditions.

Q. What condition is that? A. Sometimes it will be made less; always will be made less than appears on the face of it.

Q. Give me an instance of one of these bills so I can find it? A. It is on the bills. I remember, now, the bill of T. J. Cate for mason-work.

Q. They thought that was too much? A. Yes, sir.

Q. What other bills? A. I don't recall any, now.

Q. Search your memory as well as you can for any other

bill; when was that? A. That might have been three or four months ago.

Q. It might have been much less, might it not? A. I am telling what I think about it.

Q. Will you say it isn't much less time than that? Just look at that bill; it must be there. [Handing witness a book.] A. I think it was 1 December, 1882.

Q Now, what was the charge for it, sir: what is the amount of it? A. The amount of the bill — I think that is the one: it is the same firm, anyway — is $53.03.

Q. How much was the deduction? A. Now it is all guesswork; I don't know.

Q. Won't your books show, in the name of heaven? A. Yes, sir.

Gov. Butler. Now find out.

[The usual recess was taken at this point, and the further examination of the witness was postponed.]

Peter Cunningham (*sworn*).

Direct examination by Gov. Butler.

Q. Peter Cunningham, of Lowell? A. Yes, sir.

Q. You have been to Tewksbury more than once, haven't you? A. Was there three weeks last January, year.

Q. When were you there the second time? A. I went there the third day of January, and came out the twelfth of April last.

Q. Did you go immediately to the hospital? A. Yes, sir.

Q. Had this same cough that is troubling you now? A. Yes, sir.

Q. Who was the doctor who was there; Dr. Otterson? A. Well, sir, I knew Dr. Lathrop, but I didn't know the other doctor; and I inquired for his name several times, and I could not get to know his name.

Q. But some young doctor that had you in charge? A. We called him the "little doctor," sir.

Q. The "little doctor" wanted you to keep in the bed? A. Yes, sir.

Q. And you didn't want to; you thought you would like to get up and walk around? A. Yes, sir.

Q. Did you ask for your clothes, so you could get up? A. Yes, sir; three days, one after another.

Q. And you did that three days before you got them? A. Yes, sir.

Q. And then you did get up and put them on, I suppose? A. Yes, sir.

Q. Then the "little doctor" came in, and what did he do? A. I suppose he gave orders to the nurse to discharge me from the hospital.

Q. To discharge you from the hospital? A. Yes, sir; and send me over amongst —

Q. And send you where? A. Over amongst the healthy men; what we call the shanty, sir; what they call the smoking-room.

Q. The shanty where they play cards, checkers and dominoes. Now, you stayed there how long? A. I stayed there two months and three days.

Q. How long did you stay in the shanty? A. Two days, sir.

Q. Then what did you do? A. I went into the dispensary.

Q. That is, Dr. Lathrop's office? A. Yes, sir; and I asked them if they would give me a bottle of cough medicine that would ease me a little; and he says, "Isn't your name Peter Cunningham?" Says I, "Yes, sir." Said he, "Wasn't you here about a year ago?" I says, "Yes, sir; three weeks." "Oh, indeed," says he. And, says he, "You have come back again?" I said, "Yes, sir; I had a son who enlisted in the cavalry, and my wife had two children, and I thought it would lighten her burden with my going up there," — told him so. He said, "Where are you stopping now?" I told him what the hospital doctor had done to me; sent me over to the shanty.

Q. You told him the story you have told here about the "little doctor," did you? A. Yes, sir; just the same. He wrote me a note, and sent me back to the hospital; and I remained there till I left.

Q. Did he ask you if you ate with the old men? A. Yes, sir.

Q. Did he say anything about whether he thought you ought or ought not to have been taken out? A. Well, he got to hear that I was going to be taken out; I knew it a week before I came out, myself.

Q. I mean taken out of the hospital now, and put into the old men's ward? A. Oh, no; he didn't know anything about that.

Q. But he gave you a note to the nurse, to the hospital to put you there? A. Yes, sir; right off.

Q. And you went back? A. Yes, sir.

Q. What did Lathrop say to you about your disease? A. Well, he said I had a disease that he didn't think there was any cure for it; he said he was very sorry he could not do something for me.

Q. Did he or anybody else ever examine your lungs while in the hospital? A. No, sir.

Q. Now, just before you left Tewksbury, did you have any other trouble? A. The Tuesday before I left, sir, just after breakfast, I walked down the hospital, and I fixed the bedspreads on the beds after the men had breakfast. I generally used to take it on myself to do that, because I was not able to do any heavy lifting; and the nurse, a man named "Walt," he followed me right down, and he said, "You will have to go to work this morning." And I says, "Where do you think I am able to work?" "Well," he says, "it is no matter," he says: "you will have to go to work." Well, I says, "What kind of work are you going to put me to for a start?" He says, "To shove these beds around," he says, "while the man sweeps under them." "What!" I said, "shove thirty-one beds round twice over; sixty-two," says I: "don't you know I couldn't shove three before I would sit down and go and heave my breakfast off?" He says, "It doesn't matter; if you don't do it, you have got to take to your bed."

Q. Did the doctor say anything to you just before you left: Dr. Lathrop? A. Yes, sir.

Q. What did he say? A. Me and him had a conversation at the door, as I was going out of the hospital, and he said he understood that I was going to go out, and I says, "Yes." Well, he says, "It is too bad," he says. "Well," I said, "doctor, you know it is no use of my staying in here," says I: "I have lost from twelve to fifteen pounds of flesh since I came in, and it is no use of my stopping here, because I won't live long if I do." Well, he says "It is too bad you are going out; if you were going to stay," says he, "I would do all in my power for you." I says, "Well, it is rather too late now."

Q. Had he done anything for you? A. Not a thing, sir.

Q. Nor given you any medicine? A. Not a thing, sir; he gave me a bit of liquorice at one time.

Q. What? A. He gave me a stick of liquorice at one time, about that length; that is all he gave me. I asked him for it.

Q. Now, do you remember a man, while you were there in the hospital, by the name of Washburn or Osborne or something of that kind? A. Yes, sir.

Q. What was he? Where did he come from? A. He told me he came from Taunton, sir; I had a good many conversations with him.

Q. Did he come there from the Taunton insane asylum? A. He told me he belonged to Taunton, sir.

Q. Belonged to Taunton? A. Yes, sir.

Q. Was he insane? A. Well, he was not; he was a kind of a simple man: he was not an insane man in any way; never raised his voice in the hospital.

Q. Was he a harmless man; quiet? A. Yes, sir; quite harmless.

Q. Now, won't you tell us what happened when he got up one evening and put a sheet around him to go to the water-closet? A. Yes, sir. It was a general custom for them to put a blanket around them, but he put a sheet around him this evening, and he had a blanket in his arms, rolled up in a ball as near as he could get it. And the nurse got up and he made for him, which he practised, — this kind of work, — and he took and he knocked him down and kicked him up again, and then he took a hold of him by the arm and the back and he struck him with his knee on the hip bone; and you should have heard the sighs that man used to let out of him, "Oogh," "oogh," you could hear it all over the hospital. That didn't do —

Q. How far did he kick him along that way? A. I suppose it would be about thirty yards.

Q. About as long as this room? A. Yes, sir; it would be a little longer.

Q. The room would be a little longer? A. I mean from the water-closet to his bed, sir; the room contains thirty-one beds in it.

Q. He kicked him along to his bed in that way you tell about? A. Yes, sir.

Q. What was that kicking man's name? A. We used to call him "Walt."

Q. Walter? A. Yes, sir; he was the head nurse for the day.

Q. You say he knocked him down? A. Yes, sir.

Q. And then picked him up? A. Kicked him up; he didn't pick him up.

Q. Was this fellow weak; I mean the patient? A. No, sir; he was a strong, powerful man.

Q. I know, this Walter, but I mean the poor man from Taunton? A. I mean Mr. Washburn; he was a powerful man, sir.

Q. Was the patient a weak man? Was this man from Taunton a weak man? A. No, sir; he was a strong, healthy, powerful, and a good-looking man.

Q. The man from Taunton, now, we are talking about? A. Yes, sir.

Q. Well, he got back into the bed; did Walter keep on thumping him? A. He told him to make his bed, and he refused to make it. And he boxed him; he hit him with one hand one side of the head and the other hand the other side of the head, and then he gave him open hands across the ears and cheek, — cheek for a long time. Well, this man stood it, and then he went to get away from him and he grabbed hold of him and tore the shirt off his back; and every time he would tell him to make his bed he refused to make it; it was first one hand across one cheek and another hand across the other, and he continued that way, I guess, for about fifteen minutes; and the hospital doctor was standing looking on at all this.

Q. The "little doctor," you mean? A. Yes, sir; he was looking at him doing all this work.

Q. Then did he put anything around his neck? A. Yes, sir.

Q. What did he put around? A. He put a sheet around his neck, got him down, strangled him, put his thumbs on his throat and put his tongue out.

Q. How long was that before you came away? It might be a month.

Q. About how long? A. Well, somewheres between two and three weeks or a month. Take it three weeks or a little over.

Q. Was there any water, this winter, kept in this ward to drink for the inmates? A. No, sir; I slept in the principal ward, what we call the hall. There is these sleeping-rooms and there wasn't a drink of water in the hall during the whole time I was there. When a man wanted a drink he would have to get up and dress himself and go out to the pump in the yard.

Q. Go out in the snow in the winter? A. Yes, sir; you

would have to go out for a drink: I have seen them. There may be some in the Captain's department, but I mean in the sleeping-rooms.

Q. Not where it could be got at by the inmates. Now, then, when new patients came in did you see them put into the same beds that the old patients went out of? A. They used to change the sheets, sir.

Q. That all? A. That is all.

Cross-examination by Mr. Brown.

Q. You say they changed the sheets? A. Oh, yes.

Q. Are you certain they didn't change the tick? A. No.

Q. And put on entirely new bedding? A. No.

Q. You know they didn't do that? A. Well, I had experience in it, because I fixed the bedspreads for three months.

Q. Yourself? A. Yes, sir; fixed them myself; putting them on, and fixing and spreading the blankets.

Q. Now, tell me this: How long have you had this consumption upon you? A. Well, I have had this bronchitis cough upon me now for about six years. I have had consumption for about a year.

Q. About a year ago? A. Yes, sir.

Q. In other words, you went to Tewksbury in January, 1882; did you not? A. Yes, sir.

Q. For the first time? A. Yes, sir.

Q. With consumption? A. Yes, sir.

Q. How long did you stay when you went in 1882? A. Three weeks.

Q. Were you then discharged? A. No.

Q. How came you to go away? A. My wife came up and took me out.

Q. Did she consult anybody about your going out? A. Yes, the doctor; and the doctor advised me to stay in for about two months, and see if I would get any better.

Q. The doctor wanted you to stay there until spring, didn't he? A. Yes, sir.

Q. Until warm weather came. And your wife insisted on your going away, and so you absconded? A. Yes, sir.

Q. That was it? A. Yes, sir.

Q. Now, you absconded on the 17th of February, 1882, when you had been there not quite a month? A. No, it was not a month.

Q. Then you came back on the first day of January, 1883? A. The third, sir.

Q. When were you discharged? A. I was discharged on the twelfth of April.

Q. Now, what was the name of this little doctor that you spoke about, who stood by and saw that man punished as you have described? A. Well, now, I could not tell you his name.

Q. Is that the same little doctor who has bushy whiskers? A. Red whiskers; yes, sir.

Q. A little fellow? A. Not quite as tall as you.

Q. He wears a little skull cap around the institution, don't he? A. Yes, sir.

Q. Well, now, you said there was somebody else who saw this scene? A. Oh, there were several there.

Q. I mean some other attendant; what was his name?

Gov. BUTLER. There was one doing it.

Mr. BROWN. Then he described somebody as witnessing it.

Gov. BUTLER. No, he didn't.

The WITNESS. I will tell you. He still kept on beating him until Dr. Lathrop came out of the dispensary. When he came down, he heard the heavy slaps. I don't know how long he heard them, but he said he could not stand it any longer. Dr. Lathrop came out of the dispensary and prevented him: and when he did, this little doctor came right up close, and the three had a conversation together.

Q. Now, I want to know what was the name of the man that was beaten? A. Well, I understand his name was Mr. Washburn.

Q. Washburn? A. Yes, sir.

Q. And that was in January or February, '83; or how long was it before you were discharged? A. Well, it would be about the last week, I believe, in March.

Q. And the name of the man who did the beating was what? A. We called him Walter.

Q. Do you recollect what his last name was? A. No, sir. We called the boss Clements, and him Walter.

Q. Now, how came you to be discharged on the 12th of April? A. Because my wife went up, and she brought me out. She said she was going to do housework this spring, and thought it was better for me to be out to take care of the two children.

Q. In other words, she was going to make a struggle to get

along through the summer, and she wanted your assistance to help her with the children; that was it? A. Yes, sir.

Q. Got a bank account, have you? A. Bank account?

Q. Got any money in the savings bank? A. No, sir.

Q. Has your wife got any account? A. Not a cent. Not as I know of.

Q. Where do you live? A. Jefferson Street, Lowell.

Q. How long have you lived there? A. While I was in the hospital my wife went living in with another woman for to make the rent a little lighter on her; and that would leave us about three months.

Q. What is your business? A. Mule spinner in the cotton mill.

Q. In what mill? A. I worked in the Massachusetts and second-handed two years on the Lowell Corporation, the hosiery mill; and I worked on the Merrimac. The last place I worked in was the Appleton. I worked half-time for fifteen months.

Q. Are you a native of this country? A. No, sir. I was born in England.

Q. How long have you been in this country? A. I will be fifteen years in this country on the 26th of November.

Q. Ever lived anywhere except in Lowell? A. Yes, sir.

Q. With your family? A. Yes, sir.

Q. Where? A. I went down to Philadelphia twice for the benefit of my health, and brought them with me.

Q. That was since you were afflicted with this bronchial trouble? A. Yes, sir.

Q. Now, let us see about this man Washburn. Do you recollect how long Washburn had been in the hospital before he got this pounding? A. Well, if I am not mistaken — there were so many changes, so many dying there — he came there since I came. I won't be confident, but I think he did.

Gov. BUTLER. Look at Osborne. He said it was Washburn or Osborne,

Q. (By Mr. BROWN.) Which was it? A. Well, it would be the same man.

Q. I want to get at the name. A. I could not tell you, sir; I did not look at his card.

Q. He had a card? A. There is a card over every man's bed.

Q. Did this man that you refer to die before you came out?

A. I came out and asked Mr. Marsh if he would let me out a day or two to see my wife and children.

Q. Just answer my question. Did this man Washburn or Osborne die while you were there? A. He died while I was out.

Q. When was that?

Gov. Butler. Well, sir, he was telling you. He went out on a furlough.

The Witness. I come out on Wednesday and I was discharged on the following Thursday. That would leave it the the sixth of April.

Q. Do you think he died on the sixth of April? A. I was out three days. I came out Wednesday and went back Saturday and he died while I was out.

Q. He died while you were out? A. Yes, sir.

Q. And you think you went out on the sixth of April? A. Yes, I think I did. It was Wednesday; and then the Thursday following —

Q. How long before you went out was it that he got this flogging? A. About three weeks.

Gov. Butler. He went out finally on the twelfth.

The Witness That was not the only one I saw him get.

Q. Let us see about this one first. It was about three weeks before the sixth of April when you went out on a furlough that you saw him have this flogging. What was his condition? Was he in bed, or was he standing up, or what was he doing? I want to find out about it. A. When he got to bed —

Q. When he got to bed—? A. He was standing up when he got slapped and thumped.

Q. What was he trying to do? A. He kept ordering him to make his bed and he would not make it.

Q. Do you know what was the matter with that man? What was the disease that was on him? A. Well, he was kind of simple. He used to talk at random. Sometimes you could not make much sense out of his talk or language; but when he would talk about his people in Taunton and about his father and mother and his grandfather and grandmother, and those who attended him when he was sick, he spoke quite sensibly.

Q. Now, do you think this was the man — John O. Mann? A. Well, I could not say; I heard them call him Washburn. He was quite a round, fat man, and a good-looking man: just

as good-looking as you get in a day's walk; strong, powerful. He would give the nurse a tussle, and he was able.

Q. Now, was his name Albert D. Washburn? A. I told you I didn't look at his name.

Q. Didn't you ever hear him called Albert? A. No; but I have heard him called Washburn. I didn't hear him called Albert.

Q. Now, was there any other man in your ward by the name of Washburn or Osborne, who died about the sixth of April? A. Only this one.

Q. Any other man by the name of Washburn or Osborne, who died about the sixth of April? A. Not as I am aware of.

Q. Well, now, let us see. When were you summoned here? A. Last night.

Q. Last night? A. Yes, sir.

Q. To whom did you tell this story first after leaving the hospital? A. Well, I simply went in to get shaved, and I told it in the barber's shop.

Q. And that is all you know about it? A. Well, then there came a gentleman in, and I didn't know who he was. I didn't ask him his name; and he asked me some questions, and I simply told him just as you question me now.

Q. You simply told him this story. You say you didn't ask him his name. Have you seen him about here in this room? A. No; I don't see him in this room.

Gov. Butler. I will give you his name.

Mr. Brown. All right.

Q. Now, in the hospital you were attended by no one except by this young doctor? A. No, sir.

Q. No other one prescribed for you? A. No, sir; no other one.

Q. Have you had any physician outside the almshouse attend you? A. Yes, sir; now.

Q. Well, between the time when you left the almshouse in 1882, and the time when you entered it again in 1883, were you attended by a physician in Lowell? A. I was.

Q. What was his name? A. I was attended by Dr. Colton, Dr. Jackson and Dr. Eaton.

Q. Who else? A. I don't remember the other doctor's name.

Q. All these gentlemen live in Lowell? A. Live in Lowell.

Q. What did they do for you? A. They gave me medicine;

cod-liver oil and cough medicine: any quantity of it; as much as I could use.

Gov. BUTLER. Dr. Eaton is our city physician.

The WITNESS. He is a young man.

Q. The food at Tewksbury; was that good? A. Well, it was good enough for a good strong man that would work out of doors.

Q. Well, for instance, take the bread. A. The bread was pretty fair, sir; could not say nothing against the bread.

Q. Could not say anything against the bread? A. No; it was pretty good.

Q. What else was there besides the bread that was good? A. Well, the Sunday dinner, a sick man could not eat it. We used to dump it into the pail. The beans used not to be picked. Of course I cannot swear to it, but to give my opinion, the black ones and the sand and everything were together. And the brown bread was not good. Anybody who is not in good health — a man lying sick, not able to take a mouthful of victuals, could not eat heavy brown bread.

Q. Did you have a good appetite while at the hospital? A. Not in March, sir: I had no appetite at all. That was when I lost my flesh.

Q. You didn't have any appetite when you went home? A. Yes, I had a pretty fair appetite.

Q. Good appetite now? A. Well, I have had, before I got a little bit of a new cold this last day or two.

Q. (By Gov. BUTLER.) Let me see about this. Do you say that the beans seem never to have been picked over, but put in, dirt and all, into the pot? A. Yes, sir; they seemed that way.

Q. They did seem that way? A. Yes, sir. I have seen men, sir, and I have done it myself, pick one-half of them on one side of the plate, black ones and rotten ones, get some of the best ones on one corner, and eat a few.

Q. What did you do with the dirt? Leave it on the plate? A. Put it all into the swill-pail.

Q. Did you hear the testimony of Mr. Marsh that he rather preferred that kind of beans? A. Oh, I don't know. I think if they were left down here at the state house, you wouldn't relish them.

TESTIMONY OF JOSEPH LUDWIG (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name, Mr. Ludwig? A. Joseph Ludwig.

Q. Where do you live? A. I live down in Springfield.

Q. Springfield, this State? A. Yes, sir.

Q. What time did you go to Tewksbury? A. I got down in 1882, the sixth of December; no, the sixth of January.

Q. What did you go there for? A. I had sore legs.

Q. Got it yet? A. No, sir.

Q. When you went there how much money had you? A. I had about thirty-seven dollars.

Q. Thirty-seven dollars? A. I think it was; a little bit over or less.

Q. That is to say, there was a few cents more or less. And whom did you give it to, if to anybody? A. I don't know, sir.

Q. Did somebody take it from you? A. Not so much I know it.

Q. You don't know that? A. I had it when I got there; when I got out I didn't had it.

Q. When you went there did anybody take it away from you? I am only going to the time when you went there. Did you give it to anybody; to the clerk or to the nurse? A. No, sir; I got stripped; my clothes got all mixed, and they took it away from me.

Q. You were stripped of your clothes and the money was in your pocket? A. Yes, sir.

Q. And they took it away. Now, while you were there did they give you any? A. Yes, sir.

Q. How much did you receive? A. Two dollars.

Q. Did you receive that all at one time? A. Yes, sir.

Q. Who gave you that? A. Mr. Rollins.

Q. Who was Mr. Rollins? A. He was head nurse of the what they call it.

Q. Did he tell you where he got it? A. Yes, sir; he said he would get it in the office.

Q. Did you tell him that you had money when you came there? A. Well, he saw it. He examined my pockets.

Q. What? A. He goes through my pockets all over. He was the man who goes through your pockets.

Q. Now, you got two dollars while you were there? A. Yes, sir.

Q. Did you get any when you went away? A. Yes, sir; I did.

Q. How much did you get? A. I got two dollars and some odd fifty cents.

Q. Two dollars and fifty cents? A. Two dollars and some odd fifty cents.

Q. That is, fifty cents, a little more or a little less? A. Yes, sir.

Q. Who gave you that? A. The fellow he took me away one day; I don't know his name.

Q. Was he an officer? A. He could send us from Tewksbury?

Q. Where did he take you to? A. He took me to the depot, put me on the cars, and sent me right down to Springfield.

Q. That is, some officer came to take you away, and he gave you two dollars and fifty cents? A. Yes, sir. And I asked him, — we was ready to go, and I said I guess there is something in the office comes to me; money and a watch. And then he off, and he handed me a small paper bag, in which was this and my watch, and he gave it to me.

Q. Do you know that man's name? A. No, sir, I do not.

Q. Well, you told him there was something coming to you. Was your watch taken by Rollins at the same time he took your clothes? A. Yes, sir.

Q. Did anybody ever give you a receipt for the money? A. No, sir.

Q. Did you give a receipt? A. I gave a receipt for two dollars.

Q. Did you give any receipt for two dollars and fifty cents? A. No, sir, I didn't; only he would write it, and I would sign my name, and he handed me two dollars in money.

Q. You signed your name, and then he would give you the money. Now, didn't you get fifteen cents at one time? A. No, sir.

Q. Sure? A. Yes, sir; I am sure.

Q. Did you have any money come to you while you were there? A. Yes, sir; it was money to me in a letter.

Q. From whom? A. From a friend.

Q. Your wife? A. No, sir; a friend of mine.

Q. How much did he send you? A. He sent me twice five dollars.

Q. That is, he sent it to you on two several occasions? A. Twice.

Q. Sent you five dollars at a time? A. Yes, sir.

Q. Had you that with you when you went away? A. Part of it. One part I gave to the second nurse; his name was Clements. I had five dollars, and I gave it to him, and he gave it back again when I left; and I think a little change of that other five dollars.

Q. You gave it to Mr. Clements, did you say? A. Yes, sir.

Q. Did you give him both sums or only one? A. I gave him the first five dollars; not the whole of it. I had to buy some writing paper and envelopes; and the last five dollars he handed me when I left.

Q. He was the nurse? A. Yes, sir.

Q. Where was it that this officer gave you this two dollars and a half? A. This fellow was sent here with permission to take us away.

Q. Take us away. Did he take more than one? A. Yes; I guess about four or five, going to New York; and there was a couple of ladies there going down to Springfield.

Q. And this officer had you all in charge? A. Yes, sir.

Q. Do you remember what day that was? A. Yes, sir. This was the twenty-first day of March, 1882.

Q. And you were there, then, from the twenty-fifth or sixth of January until the twenty-first of March? A. Yes, sir.

Q. Now, where was it that you got the money from the officer in charge? Did he give it to you before you got to Springfield? A. The same time when we were ready to leave, right in the institution, in the yard. He handed it to me.

Q. You were going away without anything? A. I would go, if I could not get it.

Q. You were going away and you said "Hullo, my watch and the money belongs to me there, and I will go back after it"? A. Yes, sir; he did.

Q. And he came back with the watch and the two dollars? A. The two dollars and some odd fifty cents.

Cross-examination by Mr. Brown.

Q. You went into Tewksbury in January, 1882, did you? A. Yes, sir.

Q. Do you recollect the day and the month? A. Yes, sir; I believe it was the sixth of January.

Q. Now, are you certain when you came out? A. The twenty-fourth of March.

Q. And you are sure about that? A. Well, I think it was.

Q. Was it not the 20th of February? A. February? No, sir; no, sir; no, sir.

Q. Is your name Joseph Ludwig? A. Yes, sir.

Q. Was there any other Joseph Ludwig in the institution? A. Not so much I know it.

Q. What had been your business before you went to Tewksbury? A. Always the butcher business.

Q. Where did you work? A. Worked at C. B. Holbrook's, 212 Main Street, Springfield.

Q. How long did you work there? A. I worked before I came to Tewksbury; I cannot tell exactly; I guess a little over two years.

Q. How long have you been in this country? A. I have been in this country, the 25th of September, last fall, twelve years.

Q. Now, what did you have besides the money which you referred to? A. I had my clothes and watch there.

Q. The same watch you have now? A. Yes, sir.

Q. And your clothes? A. Yes, sir; but not the same clothes.

Q. Not the same? A. No, sir; another suit of clothes, but pretty good for me.

Q. Good enough to make you comfortable? A. Yes, sir.

Q. Now, when you went in, do you recollect where you went? Whether your clothes were changed? A. I can recollect nothing. They said it was a pretty good place for a sick person to go and get cured.

Q. And you went? A. And I went.

Q. And you don't remember anything that took place when you got there? A. What do you mean; took place?

Q. When you got to Tewksbury you were taken into the hospital, were you not? A. Yes, sir.

Q. Now, do you recollect who took your clothes off? A.

Yes, sir. I had all my clothes right off; Mr. Rollins, the nurse in the hospital. I stayed there until about seven or eight o'clock in the evening, and then they struck me and I took bed and my clothes went.

Q. Did you see your clothes again? A. I saw them when I was well and got discharged from treatment.

Q. But not till then? A. No, sir.

Q. You were in bed? A. I was pretty nearly always in bed.

Q. You spoke about your disease. You had sores on your legs; what was the trouble? A. They got skinned; struck the shin-bones and skinned them, and catched cold and got sore shin-bones.

Q. You were furnished with clothing at the hospital, which you wore while you were there? A. Yes, sir.

Q. Was your money in a pocket-book? A. It was right here in my pocket; no pocket-book at all.

Q. Did you call attention to the fact that you had it in your pocket there? A. No, sir; Mr. Rollins took the money out and counted it. I was in the bed. He counted it and took it all with him.

Q. Now, did you hear him count it? A. Count 'em?

Q. Yes. A. I didn't hear him count 'em.

Q. Did you hear him say how much there was? A. He put it down on the table and he says, "Here is your money," and he counted. Two or three patients heard him count it, when he said how much there was.

Q. How much did he say there was? A. He didn't tell me; not so much I hear.

Q. He didn't tell you. Did he tell others? A. Yes, sir; he counted and they heard it.

Q. Who were they? A. One or two fellows; one was a German fellow; and they say he count it.

Q. What were their names? A. I cannot remember.

Q. How do you know you had $37? A. I know I had.

Q. How do you know it? A. I got it from my boss when I left.

Q. Well, the day you left Springfield you got that amount of money from your boss, did you? A. Yes, sir.

Q. What was your idea in going to Tewksbury, if you had $37? A. It was my sickness. The doctor said it was a long-

time sickness. The doctor said it would take me so long till I got well, that $37 would not reach it.

Q. Well, is it not a fact that you are of an economical turn of mind, and had this money and didn't want to spend it, and so you kept it in that way and got into Tewksbury, and you didn't let anybody at Tewksbury know you had it? Isn't that the fact? A. I was not afraid. If I was afraid I would have kept my watch and chain.

Q. Did you give any receipt to your employer on that day for the money he paid you? A. No, sir.

Q. Did you spend any money on the trip from Springfield to Boston? A. Very little.

Q. How much? A. I guess about 75 or 80 cents.

Q. Did you pay your own fare? A. Yes, sir.

Q. Started with $37, paid your own fare, spent 75 or 80 cents, and got to Tewksbury with the same amount of money? A. Yes, sir.

Q. You mean that, do you? A. Yes, I do.

Q. That is, you didn't reduce your pile by paying your fare and spending 75 or 80 cents on the way. A. Well, the foreman, Mr. R. L. Pierce, gave me the money. He saw it when I left on the quarter-past-seven train from Springfield, ready to start for Boston. I had dinner near the Boston & Albany station, went to the State of Maine depot, and from there I got ready to start for Tewksbury the same day.

Q. Were you attended by any one from Springfield to Boston, or from Boston to Tewksbury? Anybody come with you? A. No, sir.

Q. All alone? A. All alone.

Q. Where did you get dinner? A I got it right next to the Boston & Albany depot, on the left-hand side.

Q. Take some drink with your dinner? A. Yes, sir.

Q. How much? A. I guess I took two or three glasses of lager beer, if you want to know it.

Q. Spent a little for beer. Did you treat anybody? A. No, sir.

Q. Did you see anybody you knew in Boston. A. No, sir.

Q. Got any friends in Boston? A. No, sir.

Q. Never had any? A. No, sir.

Q. Well, then, after you went from this saloon where you got your dinner where did you go? A. I go straight to Tewksbury — Boston & Maine depot. Then I had to wait for the

train — I took the horse-cars — and then after that time I took my dinner; right from that dining-saloon I go right across and wait until the train come.

Q. Then you got another dinner at the Boston & Maine depot? A. No, no; only one.

A. But while you were waiting at the Boston and Maine depot you went and got a drink, didn't you? A. No, sir; only two or three glasses of lager beer.

Q. But after you got your dinner, with two or three glasses of lager beer, you didn't get anything more to drink until you took the train at the Boston and Maine depot? A. No, sir; nowhere else.

Q. Not a thing? A. No, sir.

Q. Did you look at your money while you were in the saloon near the Boston and Albany depot? A. I didn't look at it; I had it in my pocket.

A. Did you count it there? A. No, sir.

Q. Did you count it over from the time you left the saloon near the Boston and Maine depot until you got into Tewksbury almshouse? A. No, sir.

Q. Did you see it at all from the time you left the saloon opposite the Boston and Albany depot until the time you got into the hospital at Tewksbury? A. Yes, sir.

Q. Where were you when you looked at it? A. Where I was? On the train.

Q. Did you count it on the train? A. No, sir.

Q. In what form was it? What kind of bills? A. Two-dollar bills, five-dollar bills, ten-dollar bills, and silver in change.

Q. Was the paper money and the silver all in the same pocket? A. All together.

Q. All together in your coat pocket? A. In my pants pocket.

Q. The rest of it was in your coat pocket, — the paper money? The paper money in your coat pocket, and the silver in your pants pocket? A. Yes, sir.

Q. Now, if you can tell the committee, I want to know if you can tell, within five dollars, the amount of money you spent from the time you received it from your employer in Springfield to the time you arrived in Tewksbury at six or seven o'clock in the evening? A. Did I spend five dollars?

Q. Can you tell within five dollars how much you spent? A. Yes, sir.

Q. How much money did you spend? A. I paid $2.60 for my fare, 70 cents in the horse-cars, besides my dinner, and then 70 cents from the Boston and Maine to Tewksbury.

Q. And that is all? A. Yes, sir.

Q. Didn't you buy any medicine in Boston? A. No, sir.

Q. Didn't you start from Springfield with a prescription from your physician there? A. I start from Springfield just the same way I came to Tewksbury.

Q. Then you must have had somewhere about $32 or $33, instead of $37, when you got to Tewksbury? A. That fare money was no account. I had my ticket. I bought it, and I had $37 left, as I had in the morning when I left.

Q. Now, when was the first time you told anybody you hadn't got all your money? A. The first I know, a gentleman came down to Springfield, two weeks ago, I guess, something like that, and he asked me about it, and I told him. And I told my boss and my foreman about it.

Q. When did you tell your boss and your foreman that your money was gone? A. When I came back.

Q. At first, when you came back? A. Yes, sir.

Q. What amount did you tell them you had lost? A. I told them I didn't know which way I had it, but when I got my clothes back it was gone.

Q. But you didn't know when you lost it? A. No, sir.

Q. Do you mean to testify now to this committee that you lost it in Tewksbury? A. That is when I believe it.

Q. But you don't know, do you? A. Well, which way; where is the money gone to? I know I had it. It not fly away. I was in Tewksbury and I had the money along with me. Of course there must be the money there.

Q. Did anybody else have to do with your money at the hospital except Mr. Rollins? A. I don't know.

Q. Well, nobody as far as you know, had there? A. Nobody was around there.

Q. Nobody else you know got in? A. It is not necessary. I was in Mr. Marsh's office two or three times, but I could not get away that time.

Q. Then in that connection let me ask you this. Do you mean you went to the office and asked for your money? A. No, sir; I asked for going out.

Q. But you didn't say anything about your money? A. No, sir.

Q. Did you see this gentleman, Mr. Charles B. Marsh? A Yes, sir.

Q. Did you say anything to him about your money? A. No, sir.

Q. Not a word? A. Not the same morning.

Q. Did you say anything to him before you got on to the train to leave Tewksbury about your money? A. No, sir, I did not.

Q. Did you say anything to Capt. Marsh? A. No, sir.

Q. Did you say anything to the young man, Thomas J. Marsh, Jr., about your money being gone? A. Who is he?

Mr. BROWN. He is the brotner of this young man, and is assistant superintendent.

The WITNESS. I guess I don't know him.

Q. Well, now, Mr. Ludwig, will you name, outside of Mr. Rollins, a single person at the hospital or at the almshouse at Tewksbury to whom you mentioned the fact that you had lost any money up to the day of your departure? A. Yes, sir; there was a German fellow up there.

Q. What is his name? A. Brown — Jake Brown.

Q. Was he an inmate? A. I don't know.

Q. Was he there all the time? A. Yes, sir. He was sick; had a sore leg, same as I had.

Q. And you told him about it on the day you left? A. Yes, sir. The same day I got my clothes I told him.

Q. Now, did you tell anybody else about it — about losing your money in Tewksbury? A. No, sir.

Q. Did you say anything to Mr. Rollins that the amount of money that you received was not the amount you left there? A. I had no time to tell him about it. I didn't see Mr. Rollins. This was Wednesday at dinner-time. I had to take my clothes off, take a wash, and put my own clothes on, and then at the same time that fellow, the officer that took us away, he was there. We were all together in a small, little room next to the gate. We sat in there, and I told him "I guess something belongs to me in the office; I have some money there and a watch." The officer went out and when he came back he handed me that paper back with the watch.

Q. So that on the day you left Tewksbury you didn't see Mr.

Rollins? A. I saw him, but not at the time I asked for my money.

Q. And you didn't ask him for any money? A. I asked him and he gave me two dollars. Afterwards he said it was against the rules to give money out again. You get your money when you go out of the institution.

Q. That was before you were discharged? A. Yes, sir.

Q. But I am talking about the day when you were discharged from the institution. Did you ask Mr. Rollins for your money? A. He said, "Your money and watch is in the office, and you go in the office and get it." And Mr. Marsh, I asked him to give it. He didn't answer me at first, and he did not know nothing at all about the money and watch; and I got my money and watch the same time when I was going to leave.

Q. Now, I want to ask you: do you know anybody in Boston? A. I don't.

Q. Not a soul? A. I don't.

Q. Not acquainted with anybody in Boston? A. No, sir; not so much I know it.

Q. How long did you stay in Boston on your return from Tewksbury? A. I stayed so long as to get to the depot, and the train goes right along; well, it may be ten or fifteen minutes. The officer bought a ticket to send me home; I goes into the car, and he goes in there until I left.

Q. What was the name of this person from whom you received the five dollars from Hartford? A. He was a friend of mine.

Q. What was his name? A. I guess I can prove it. John Woolf.

Q. What is his address in Hartford? A. I cannot exactly tell. He used to keep a shoemaker's shop on Kingston Street.

Q. (By Gov. Butler.) Had you any other money, — how much did your employer pay you at Springfield? A. He paid me twelve dollars a week.

Q. How much money did he pay you when you came away? A. Thirty-seven dollars was what he paid me.

Q. And had you any other money? A. I had some left: I bought a ticket to Boston — what I needed.

Gov. Butler. Now, then, I will put in this book: "Number 63992, Ludwig, Joseph, one dollar (in pencil) paid Doane." Three dollars and seventy-seven cents to his credit only; and then that is put down paid Doane, one dollar being taken out.

apparently, in pencil. And there are quite a number of other cases in which the ten stands for the digit, as we shall show, if we ever get to it.

The CHAIRMAN. That is one of the clerk's books?

Gov. BUTLER. Yes, sir.

Mr. BROWN. I don't understand you.

Gov. BUTLER. You see if it had been put down $37.70 it would have been right; and we shall show that there is a habit of putting down $3.77 where there is $37.

Mr. BROWN. You mean a habit in the mind of the witness?

Gov. BUTLER. No, sir; a habit in Charles Marsh keeping this book. Don't make any mistake about that.

Q. (By Mr. MELLEN.) Were you under the influence of beer when you reached Tewksbury? Were you sober when you reached Tewksbury? A. Yes, sir; I hope so.

Q. Three glass of beer won't set you tight, will it? A. No, sir; I guess not.

The CHAIRMAN. Has it appeared how this witness happened to go to Tewksbury?

The WITNESS. I got a recommendation from the board —

Gov. BUTLER. He has stated it over and over again that his doctor told him it would be a long sickness and he had better go to Tewksbury.

The CHAIRMAN. And he went voluntarily?

Gov. BUTLER. Yes, sir.

Adjourned until Wednesday May 2, at 9.30 A.M.

TWENTIETH HEARING.

WEDNESDAY, May 2.

The committee met in the Green Room at 9.30 A. M., Senator GILMORE, of Middlesex, in the chair.

The CHAIRMAN. The committee will come to order. A quorum is present, and we are ready to proceed.

GOV. BUTLER. Will the sergeant-at-arms send and get the books we had here yesterday?

TESTIMONY OF CHARLES B. MARSH (*resumed*).

Direct examination by Gov. Butler (*continued*).

Q. Mr. Marsh, at the moment you stepped aside, yesterday, you were trying to tell me about that case where the trustees, in December, found that too much had been charged on some mason-work, — about fifty-three dollars and some cents, as I remember it. A. I don't know the amount of the bill.

Q. Well, how that appears. Did you find it? A. I found it deducted from the next bill. I find that the overcharge was in the November schedule, and it was taken out in the December or January bill.

Q. Then it appears on the books? A. Yes, sir.

Q. While we are waiting for the books, I want to go to another matter. Is there any book of account which shows what has been received in any way from the farm by the institution? A. Received from the farm?

Q. Received by the institution from all other sources; all sources. A. In my journal is an account, "products of the farm," showing the number of gallons of milk, number of dozen of eggs, number of pounds of beef, and pork and meat of all kinds.

Q. Is there any other account than that of what is received? A. Nothing except the book from which that is taken, and that is in your possession.

Q. Well, that book of products of the farm I know of. Is there any other account of what has been received; any other account of the receipts of the institution from any and every source? A. I don't know of any, sir, that you have not in your possession.

Q. Have you kept any such book? A. I have not kept any book except what I have sent you.

Q. Except the one that is in the drawer? A. That I consider my own private property.

Q. Well, you have not brought that? A. I did not understand, yesterday, that you wanted it. I told you I would bring it if you wanted it.

Q. Well, I have over and over, and over again, for the last month, called for every book, and you have sworn that only excepting a small memorandum-book, which turned out to be a money account, much larger than that, in fact, there were no books but what I had had. Did you know there was such a book in your possession at the time you made that oath? A. This book I consider my own private property.

Q. Kept by you while you were in the service of the State, upon matters concerning a State institution, and upon a book belonging to the State? A. It does not belong to the State; it belongs to me.

Q. Where did you buy it? A. I had the book some time for another purpose.

Gov. Butler. I have no doubt you have had it a long time.

The Witness. I don't remember where I bought it.

Q. Will you swear you ever bought it at all, yourself? A. I will; yes, sir.

Q. You paid for it with your own money? A. I did, sir.

Q. Of whom did you buy it? A. I don't remember who I bought it of. I bought it for another purpose, I know, and used it for this.

Q. And that is the reason why you did not produce it? A. I have no objection to producing it.

Q. Not having any objection to producing it, you set up a claim that it is private property? A. I told you yesterday that you could have it if you want it.

Gov. Butler. Well, I want it.

The Witness. Well, you shall have it.

Q. Have you got any more books? A. Are you asking for private property?

Q. I ask you again, as I have asked you before, are there any more books, of anybody's property, in or about the institution at Tewksbury, or anywhere else to your knowledge, on which any account is kept relative to the business of the institution, in any way or form? Now I mean to be as broad as language can make it. A. I don't know. I think there are books made there by the appraiser when he appraises the property; and one of them, I think, he has in his possession now.

Q. By law that property is to be appraised every year? A. Yes, sir.

Q. And the difference between the appraisal and the amount purchased will show, for all articles, the amount expended; shouldn't it? A. I suppose so.

Q. You suppose so. Why didn't you produce those? Are those your private property? A. No, sir.

Q. Why didn't you produce those? A. I didn't think you would want them.

Q. I said I wanted all; and those are the very ones I have wanted all the while for a check on the account of stealings in this institution. Now, sir, why didn't you produce those? Those would have shown it, if they were properly kept? A. I hadn't any reason for not bringing them, because I didn't suppose they were of any account, since whatever there is there shows on my books.

Q. Whatever is there. But what I want to find out is what is not there. Are there any other books besides the appraiser's books? A. I don't know of any that you haven't heard of. You have heard of these history-books kept by Mr. Wrightington.

Q. Those I can get along without, because there are duplicates down here. But won't you think? Now isn't there some death-book that we haven't here? A. No, sir.

Q. Is there any memorandum or any entry of any description whatever, direct or indirect, of the disposition of the dead there? A. That is something I don't know anything about. Never saw any books connected with it.

Q. Is there any upon the books you have kept? A. Nothing that I know anything about. It is a matter I have had nothing to do with.

Q. Well, the books that you have kept in your possession, has anybody else made entries upon them? A. Sometimes the

physician in making up his report of mortality uses my death-books, and puts on checks or marks I don't know anything about.

Q. Sometimes the physician? A. Yes, sir.

Q. Anybody else but the physician? A. Not to my knowledge.

Q. Then it is done behind your back. If it is done it is done surreptitiously and behind your back? A. I don't know as it is surreptitiously done.

Q. If a man comes and makes entries on the books of a book-keeper without his knowledge it is surreptitious. Do you know or believe there are entries made by any other persons? A. I don't know of any such entries.

Q. Now, then, won't you just turn to those books behind you and show me that account where the trustees found that the bill was too large and put on the back of the voucher that it would not be paid until it was made less? A. [Referring to the books.] There is the November bill, and there is the credit that is made of the amount that they considered overcharged.

Q. That is the bill of Cate & Son? A. T. J. Cate & Son, Lawrence.

Q. They have a bill amounting to $268.02, and that was put into the November schedule? A. The November schedule of 1882.

Q. And then in the December schedule that is put in as what? A. December 7, 1882, there is another bill.

Q. Another bill. And on that other bill there was a credit, "by overcharge on November bill, six dollars and five cents," leaving this bill $53.03, which went into the December bill. Well, now, does that anywhere appear indorsed on the bill that it will be paid — that went to the auditor? A. It was written in pencil. "Approved on condition that certain reductions should be made in the bill;" and I think after the reduction was made on the following schedule that was erased.

Q. So that it didn't go into the auditor's book after all? A. It went to the auditor originally, and when it came back and the deduction was made that memorandum was erased on the bill. I don't know whether I rubbed it entirely out or not, or whether it will show.

Q. Now, then, this is the condition of things. The bill was sent to the auditor after it had been examined by the board of trustees and approved? A. Approved conditionally.

Q. By something you don't know whether you have rubbed it out or not since. Then the next thing we have is that being conditionally approved by the auditor and a check given for that month. Was there any deduction in that month for that overcharge? A. Not in that month; no, sir.

Q. Then you got the full benefit of it that month. Now he brought in a bill the next month? A. For the December schedule.

Q. On which there was credit for an overcharge? A. Yes, sir.

Q. Had he been paid that bill according as it was approved; the November bill? A. No, sir; the bill had not been paid; it was kept in the office.

Q. The bill had not been paid. And then he credited here any change made in the auditor's account of it? A. The December schedule was made some six dollars and odd cents less than the bills would have been if they had been made out for the full amount.

Q. How did the auditor find that out? A. The credit was made on the December bill for the overcharge on the November bill.

Q. Now will you please tell me if there is any other instance in which the trustees ever found fault with your book-keeping? A. I don't understand they found any fault with my book-keeping in that case. That was nothing I had anything to do with; it was simply an overcharge on the part of the man who did the work.

Q. Precisely so. And was there any other case in which they found fault with the bills? A. I think there was one other case with that same firm in regard to some charge of fifty-six dollars.

Q. The same firm? A. Of T. J. Cate & Son.

Q. When was that done? A. I don't remember the date, but it will show on my books.

Q. Well, about when? A. If I had my ledger I could find it.

Gov. Butler. Right behind you is everything you want, as far as I know; if not, here is the rest of it.

The Witness. I guess it was in a previous ledger; the one that was opened before this. [Pointing to a book.] That looks like it, with a dark-green margin.

Gov. Butler. That is an inspector's record.

The Witness. It is a later ledger, which is not here.

Q. About how long ago was it? A. I should say about two years ago.

Q. The same firm was caught overcharging. And was that bill put through the same course as this one? A. There was fifty-six dollars deducted from his bill. That money never has gone from the treasury.

Q. In that case it was not drawn from the treasury? A. And it shows in my annual report that year. I think there is a note made about it in the account of the institution that year.

Q. Any other? A. That is all I recollect now.

Q. You have had since yesterday to think of this, haven't you? A. I have had other things to think about, and I haven't thought much about this.

Q. Well, won't you try to think? Then this man was found overcharging some three years ago, and this firm is still employed? A. I don't know that they are still employed.

Q. They are employed up to this date of November, and that is the last time you had any work for them? A. Nothing for them; we have had work done by other parties.

Q. Undoubtedly; that is not the question I ask you. Now, then, can you tell me of any other advantage in settling these bills these trustees have been to the State, except in these two instances finding two charges, from one firm, of less than sixty dollars, both together, in three years? A. Oh, I think there are a great many ways in which the trustees have been of advantage to the State.

Q. I have not asked that question. A. I thought you did.

Q. Attend to my question, — I said in settling these accounts. You understood it, too, sir. A. There may have been other ways in settling that account, besides finding an overcharge in a bill, when they have been an advantage.

Q. What other thing have they done to correct your bills than these two, to your knowledge? A. They have not had occasion to correct my bills.

Q. I haven't asked whether they had occasion to; answer my question. What other thing have they done? A. They haven't done anything.

Q. It has taken a long time to get that little bit of truth. Now, sir, show me any account, if you please, — show me that account, please. [Referring to the second overcharge and

handing the book to witness.] A. $56.50 [handing the book back to the governor]; that is in 1881, December.

Q. December 31. A. That, I think, is the date of the bill.

Q. And January 3d, 1881. Then your book-keeping stands this way, — August 16, 1880, — the first entry is May 12: August 16, '69; then May 12, '69; August 16, '80; May 28, '81; then January 3, '81, and then December 31, 1880. Now, sir, show it to me on the ledger. A. That is the ledger.

Q. On the journal, rather; the invoice-book. A. The amount of the bill is $357.70 on the original charge; you will find it in the December schedule, 1880, on the trustees' book.

Q. That is in 1880. [Referring to the book.] The bill is checked all right both ways; checked as right by the trustees, and checked by you as right and paid. A. That is not my checking, sir.

Q. Well, by somebody who kept this book. That is where you swore it was checked when it was paid. A. One side is checked when the bill is presented: the other is checked when it is receipted.

Q. I suppose an over-charging firm don't receipt much till they are paid. A. I should think they would not be likely to, sir.

Q. One check is approved by the trustees, the other check is the check of payment; that bill has all been approved and paid. A. That check does not necessarily show it was approved by the trustees, but that the amount was found on the back of the bills.

Q. Haven't you over and over again sworn, yesterday, that this account was an account furnished to the trustees, and every bill opened and examined, and then these amounts checked. A. They were checked.

Q. Certainly; and then the trustees approved, and then your father swore, and then it went to the auditor, and then it was sent back from the auditor and a check drawn for it by the treasurer of the Commonwealth, and your father paid them, and then, when they were paid, they were checked on this side as paid? A. I don't understand this check showed the bills were paid and approved, but simply that the amount found on the back of the bills corresponded with the amount on the trustees' book.

Q. And the trustees' book which I have, — here was an

overcharge, a copy was taken, that they approved and your father swore to it. A. Here is the original bill.

Q. You can't get away, now, from this; isn't that so? A. No, sir; there is no copy of any bill taken from that book.

Q. Now, that is a dodge. A. I didn't intend it to be a dodge.

Q. You understand it perfectly. This schedule of bills made a schedule which goes, — and the bill is sent with them and makes a schedule, — which the trustees approve, after examination of the bills in comparison with the schedule; then the schedule itself, of which this is a copy, is approved by the trustees, sworn to by your father as correct, goes down to the auditor, is approved by him as correct; being approved by him as correct, your father gets a check, and then it is brought back, and then he takes and pays, and then these bills are checked here. Now, that was the performance which that bill went through, didn't it?

Mr. Brown. Now, you have changed your question.

Gov. Butler. Now, I have got it all in; I suppose I have that liberty, haven't I?

Mr. Brown. No doubt of it.

Gov. Butler. Then don't comment on my exercise of it.

Mr. Brown. I wanted to call your attention to it; you might be mistaken; you might think you were pursuing the same question.

Gov. Butler. Speak for yourself.

Q. Now, that is the way, isn't it? Now, that bill has been approved; and won't you show me when that was corrected. That has been paid once to this overcharging firm of Cate & Company, — the only two people we have caught overcharging in twenty years; now, show me where that was corrected. I know it is easy enough to make a post entry on the ledger, but show us where it was corrected? A. That $56 never was drawn from the treasury.

Q. I haven't asked that question. This whole bill of $357.70 was drawn from the treasury; and now then, here is a debtor, — here is $56.50, on the 437th page of your book. A. Shall I read you the entry, sir?

Q. Let me see the 437th page, sir. A. There it is.

Q. [Reading.] "To appropriations for 1880. December 31, discount on bill for whitewashing and board of men, $56.50."

That appears. A. That amount was carried on to my ledger and deducted from this bill.

Q. And that was December 31, 1880, was it? A. That is the date on the journal, isn't it?

Q. That is the date on the journal; yes, sir. A. And it was in the December schedule of 1880.

Q. And it is entered under the date of December 31, 1880? A. Yes, sir.

Q. Now, then, won't you show me the entry of January 3, 1881, 439th of this book, — I can turn to it, perhaps, as quick as you can. [Referring to the book.] Now, let us see, — $301.20. A. That is the amount you will find on the ledger.

Q. $301.20; now we will go to that on the trustees' books, please, and that will be what schedule? A. The December schedule, I think.

Q. No, sir, it ought not to be, had it, when it is after? Let us see where that appears again. I will take the January 3d, 1881, — that should be earlier, — we have it December 30, 1880, — now, the next is January 3, 1881, — where does Mr. Cate appear here, the trustees' schedule which they approved here, which is checked both sides? A. This is in the December bill, 1880, — T. J. Cate, $301.20.

Q. Let me see it. A. There the reduction is made of fifty-six dollars and some odd cents; the original bill of T. J. Cate was $357.70, and there it is journalized on my book as —

Q. $301? A. As $301, which is less the $56.50 which was deducted from his bill.

Q. Precisely. Now, I want to find where that got on to your book long afterwards, you see, because it didn't get on in its order; I want to find out where it got on to the trustees' accounts which they approved, — that is the point. Now, find it on the trustees' schedule. A. [Reading from the book.] "The foregoing schedule of bills presented by the superintendent were examined and approved except No. 31, T. J. Cate." That shows that that bill was not approved as it stood.

Q. That was when? A. That was in the December meeting, 1880.

Q. Now, I want to say where that difference got on; you say it was not approved. A. It was not approved till after the reduction was made of $56.50.

Q. "The foregoing schedule." A. Except No. 31, and you will find in my schedule, 31 is T. J. Cate's bill.

Q. All except that were approved? A. That bill was left over, and after the reduction of $56 was made that came back and was approved and was put into the schedule and signed.

Q. We will see in a moment; but it has the check upon it, as you swore yesterday and have reiterated to-day, of approval, and it has the check of payment of $357. A. It might not have been checked when the bill was first looked over; that bill might have been left blank, as it often is.

Q. Did anybody go and fill up the trustees' checks? A. When they have been paid these checks are put on if not in the first place,

Q. They are checked both ways? A. They may be checked both sides at once.

Q. I know it can be for I see it was done so. A. If that was left but before, when the bill was approved, after it came back from the auditor both checks might have been put on.

Q. If it was approved for $301 why should they check it as $357? A. I can't remember, now, but my books show that credit was made on his bill.

Q. That may be; now, then, if the credit was made on the bill it should appear somewhere, shouldn't it on the accounts of the auditor. A. It never was drawn from the auditor's department, from the treasurer's department.

Q. Why not? A. Because it never was.

Q. Why shouldn't it have been? A. Because the bill was paid so much money less; never had any occasion to draw that money.

Q. Does that appear on your schedule of bills? A. You will find the original bill, as paid by the superintendent, $301.20; that shows the money was not —

Q. Drawn? A. Possibly it might have been drawn and paid back to the State treasurer.

Q. Well, I have no doubt it was. A. I see by the entry it was. [Referring to entry in a book or paper in the governor's hand.]

Q. Your eye caught this entry that was shown to me, and how quick you turned. A. It was done two years ago, sir, and I could not tell.

Q. Why did you swear, just now, it was never drawn, if it was done two years ago, and your memory was indistinct, — why didn't you tell me so? A. I don't remember, sir, whether it was drawn, or whether —

Q. Why did you swear you remembered? A. Because I thought I was correct.

Q. I know you did. Now, then, it was drawn? A. It was drawn and paid back to the treasurer.

Q. And was paid back to the State treasurer when? A. It was paid in the December schedule.

Q. The December schedule of what year? A. 1880; you will find that money to our credit in the treasurer's office.

Q. Precisely; this is not an unknown item with us, you know. A. I thought I was stating what was correct.

Gov. Butler. I see; now, won't you be a little more careful. I ask, in order not to detain the treasurer from his office, that you step down.

Daniel A. Gleason (*sworn*).

Direct examination by Gov. Butler.

Q. Will you look and see whether you furnished me with all the vouchers you could find in the treasury of amounts paid in by the State almshouse. What I want to call your attention to is this: In the auditor's report, in a series of auditor's reports, I find to the credit of the State almshouse, income, "Received of Thomas J. Marsh, Superintendent, for articles sold, etc."

Mr. Brown. What year is that, Governor?

Gov. Butler. That is the last year, 1882.

Q. Do you find any other different from those? A. Those are all the papers that I have, all the statements accompanying payments.

Q. Now, in the course of business, Mr. Marsh, or somebody for him, whenever he chooses, files a little paper like that [showing one], and then puts in his check for the amount so filed and you give him credit? A. Since I have been connected with the treasury I should say that was the usual course. Sometimes, my impression would be, that money has been paid without any vouchers.

Q. Simply sent in his check and found it to his credit? A. Simply came or sent in his check, deposited it or gave it to me, and took a receipt for it.

Q. Now, we will have the vouchers for that. [Referring to item in the auditor's report.] [Reading.] "Received for articles sold, $590.74; pork, $796.59; from effects of inmates, $33.03, from October 1, 1881, to October 1, 1882, Thomas J.

Marsh, Sup't." A. That I understand to aggregate $1,420.36; those are the details of that amount.

Q. Is there any other account or bill or details for this and this? A. I have not been able to find any in the treasury.

Q. And that is all the account, — this that you had in this way, — and then he deposited that check? A. Yes, sir.

Q. What is the regulation of the treasury or law as to men having the money of the State in their hands being required to pay it every month? A. I don't know of any such a law.

Q. Some men are. A. In some of the departments. As a rule no money is paid out of the treasury except for expenses actually incurred upon the bills. There is a portion of the Department of Charities which can draw money in advance and must account for that.

Q. I am now on the paying in. A. In regard to paying in I don't know of any. It is one of the loosenesses in the whole system of receiving the revenue, that, while the State guards very carefully the payment out of money, we have no comptroller or officer to see that the proper amounts are received, as a rule. Particular departments, — the Tax Department, of course you understand about, — is furnished with certificates, — but a great many of these outlying accounts there is no means of determining that I know of.

Q. And there is none for all these institutions, except you get such a bill as that, unapproved, unvouched, and not even sworn to? A. I should say that was rather better than the majority of them, — that particular bill.

Q. Now, then, we will take the voucher for 1875. "Received of Thomas J. Marsh, Superintendent, $778.33 for articles sold and from effects of inmates who have died or absconded, from September 30, 1874, to September 30, 1875, as per annual report, 1875." That seems to be an unsigned receipt; is not even the statement of Mr. Marsh. A. This was prepared, undoubtedly, by Mr. Marsh; it is in the handwriting of the papers which come from that, or did come from that department, and the treasurer, instead of signing this, undoubtedly gave his own receipt and kept this as a memorandum account.

Q. That is, as a voucher; it is the nearest approach to a voucher that he had. A. It was before me and so I don't know, but that would be the inference from the course of business.

Q. Now, we come to September, 1880, "Amount received from articles sold, effects of inmates who have died or absconded from Oct. 1, 1879, to Oct. 1, 1880, covered by receipts from the State treasurer dated Feb. 11, 1880, and Sept. 30, 1880, $1,507.80. Thomas J. Marsh, Sup't." That is all the voucher there is of that? A. Yes, sir.

Q. And he had paid you in, without any voucher, two receipts? A. Undoubtedly; this seems to be a summary of the year's business.

Q. Now, here is 1876: "Received from the effects of inmates who have died or absconded from Oct. 1, 1875, to Oct. 1, 1876, $120.70; labor, cash received from articles sold, $439.72," making $560. That is for 1876. Then, February 11, 1880, which is part of your voucher, — "To the treasurer of the Commonwealth: I hand you check for $597 for pork sold at the Tewksbury almshouse. Thomas J. Marsh, Sup't." And this is the nearest approach to a voucher for anything paid in? A. Yes, sir.

Q. And that is all there is? A. These are all the vouchers, or memoranda, if you can call them that.

Q. You can hardly call them vouchers. A. I didn't look over the account to see if that was all the money paid.

Q. Oh, no, we find, — let us be fair all around here, we find in every auditor's report some sum. A. Precisely; I don't undertake to say whether these were all the sums.

Gov. Butler. I will have them run through, — I will run through them myself. What I am endeavoring to show is that there is no earthly check upon paying in; we are getting payments from that institution, — we are getting along as well as we can on the checks in paying out. I suppose, gentlemen of the committee, that one of the advantages of this investigation, — to show what I have called attention to, and I hope that some legislation will be done about it, — is to show that this is not only true of this institution but with certain specified legal people, clerks, registers, and one or two more of cognate kind, there is no other check as to the moneys paid in than you see here in this institution. I am not putting this fact of his not making any better way than this as against Mr. Marsh, personally, because he has followed all there is of law in checking the payments into the treasury of Massachusetts. We have no auditing as to paying in, but a great deal of form as to getting things out; we haven't any form for getting them in.

Cross-examination by Mr. Brown.

Q. These pages, you say, here, are all that you find on file in the auditor's office? A. Yes, sir.

Q. These that have been read by the governor. And have you any reason to believe that there is any inaccuracy in the auditor's report, take from 1869 down to the present time, in relation to the amount of money which has been paid into the treasury? A. No.

Gov. Butler. Oh, no!

Mr. Brown. That is not claimed at all?

Gov. Butler. That is not claimed at all.

Q. Now, Mr. Gleason, have you any reason to believe that the treasurer has not received all the money from the sale of property at this institution? A. No reason to believe anything about it.

Q. Don't know anything about it? A. As treasurer I have no knowledge whatever.

Q. Either officially or personally? A. Oh, no; not at all.

William D. Hawley (*sworn*).

Direct examination by Gov. Butler.

Q. How long have you been auditor's clerk, Mr. Hawley? I have been about seventeen years.

Q. And are acquainted, of course, with the duties of the office? A. Yes, sir; somewhat.

Q. Will you look at that item in the last report of this paying in of money; is there anything in your office, or ever has been anything, to vouch that part of the account? A. No, sir; that account is taken from the records of the treasurer, which we are required to do by law.

Q. In all these years there has been no auditing and no examination, so far as you know, nor was it the duty of the auditor,— I will put that in so as to get it in one question,— so far as you know, to make any examination of the amounts paid in? A. No, sir; except an examination of the treasurer's books.

Q. You go and see that he is right? A. Yes, sir.

Q. If you find that he is right, — find the proper vouchers, his checks, etc., the proper charge, — you put down what it appears in his books he has received? A. Yes, sir.

Q. If he receives more you don't know whether it is right;

or if he receives less you don't know whether it is right? A. No, sir; that is the only information we have in the matter.

Q. Now, sir, do you know, in the seventeen years that you have been there, any case in regard to the Tewksbury almshouse where there has been found by the auditor any objection to their accounts?

Mr. Brown. That is, you mean to the amount of their bills?

Gov. Butler. To the amount of their accounts? A. Yes, sir.

Q. When and where? A. I don't know as I can give you exact dates, but I know that when Mr. Endicott was auditor there was a bill suspended, I think in 1872, of $1,288 and some cents for lumber.

Q. And he objected? A. Yes, sir; and it was taken out and disallowed.

Q. Was that bill approved by the trustees? A. My impression is that the schedule which was approved by the trustees contained that bill.

Q. Contained that item, and the bill sent forward as a voucher? A. Yes, sir.

Q. With that exception, has there ever been any difficulty found? A. Yes, sir; I remember another time when there was a bill for freight, — I think it was some, I think, $699, or such a matter, — deducted from the schedule, having been previously allowed, through error, on another schedule.

Q. How long ago was that? A. That was during Mr. Endicott's time.

Q. You know exactly, in your own mind? A. I think it was 1873; that is my impression.

Q. That is, there was a bill put in twice, in the case of that freight — paid in the former schedule and then put in again? A. Yes, sir: the only information I have of that is what is said on the schedule; which is, "This bill deducted, having been previously allowed."

Q. By looking at the schedule you could tell whether it had been previously allowed? A. Yes, sir; but I didn't do that.

Q. We can tell right here on the inspector's record; you think that was in 1873? A. That is my impression.

Q. With the exception of these two, have you found anything? There was one double allowance, and here is one that would have been a double allowance if it hadn't been detected

by you or somebody. A. There have been several smaller items; I think I remember a matter of $10.

Q. That is an error in calculation? A. Yes, sir; some bill was footed up wrong. And there have been little errors of a few cents. I remember a matter of some $16.

Q. Those were errors of calculation? A. Yes, sir.

Q. But, other than errors of calculation, during the whole time, and the statement put in twice, which seemed to be at first an error of calculation, — other than errors of calculation, have the auditors had any knowledge or done anything about these bills, of disallowing them? A. During the first two or three years I was in the office, there was some — quite a number of bills disallowed by General Briggs; but I think those bills were allowed, afterwards, by the council.

Q. That is, General Briggs undertook to interfere, and said that such an appropriation was not properly signed? A. I think, for instance, he disallowed a whole schedule because it was not sworn to; whether the not swearing to was an accidental omission or not, I don't remember, and that knowledge I gathered from a record we have in a book of that kind.

Q. Do you remember whether General Briggs failed of an election the year after that? A. I do not, sir.

Gov. Butler. Soon afterwards, at any rate.

Mr. Brown. You were in the Republican party then and ought to know.

Gov. Butler. Yes, I was, in another field of service; and I left that field of service to come and look up these corruptions. Any other remark you would like to make, Mr. Brown?

Mr. Brown. You are a sort of Moses?

Gov. Butler. Oh, no, sir; Moses was a law giver.

Mr. Brown. And you are a law breaker.

Gov. Butler. You read your Bible mornings, and you will be better posted.

Mr. Brown. I read mine in the evenings: I have to come here mornings.

Gov. Butler. I am only a law executor. Any other remark you would like to interrupt with?

Q. Now, I want to ask you —

Gov. Butler. I am almost tempted to tell what became of Mr. Briggs.

Mr. Brown. I wouldn't.

Gov. Butler. I will ask the witness.

Q. Immediately after his being left out as auditor, after he made these objections, he was appointed appraiser at the United States custom house, wasn't he? A. No, sir; I think he was appointed judge in the district court of Pittsfield.

Gov. Butler. And after that he was appointed appraiser in the custom house.

Mr. Brown. Did you sign his recommendation, Governor?

Gov. Butler. No, sir. I went to the treasury department and got him appointed as an honest man.

The Witness. I understood he was indebted to the governor for his appointment. He told me so, himself.

Q. What? A. He told me he was indebted to you for his appointment.

Gov. Butler. Certainly, certainly, sir. I thought he was fired out wrongfully, and I got him a good place as soon as I could. I haven't anything to repent of in that direction.

Q. I want to get one thing more. All you can do, as a rule, and all you do do, is that you see that the footings — the calculations — are correct, of the several bills, and to see that they are approved by the trustees; and, in that case, you allow them as you find them, as a rule,—isn't that all? A. Yes, sir; that is practically so. We examine all these bills, and, in fact, all the institutions.

Q. You examine the bills and see that the amounts are properly carried out, — added up to agree with the schedule, and then, if the schedule agrees with the bill and the bill agrees with the schedule, then they are approved by the trustees, and then you pass them as a rule? A. Unless some extraordinary expenditure may appear in the bill that would strike us as being not according to our idea of current expenses, in which case we should be likely to ask some question about it, and, very likely, strike it out.

Q. But, unless you saw something that you knew was wrong in it, or that you thought you knew was wrong in it, you would not? A. Of course we should not strike out anything unless we thought it was wrong.

Q. But what I want to get, Mr. Hawley, is this. Will you tell me; since you have been in the auditor's office how many bills of anybody have had anything struck out because they are wrong? Take the whole Commonwealth. A. That I could not say.

Q. How many do you remember? A. Oh, a good many.

I suppose I could hunt through the records of the office and find a great many.

Q. There was something about paper, wasn't there? A. There was some difficulty about the contract with Rand & Avery, I believe.

Q. And then there was some in regard to the legislative dinners at the State prison? A. Yes, sir; there was a little trouble there.

Q. And then there was some about the councillors' dinners at the State prison, wasn't there? A. Yes, sir.

Q. Now, leaving out the paper, the legislative dinners and the councillors' dinners, won't you tell me of one instance you remember? A. I should not like to give from memory anything of that kind.

Q. Tell me a single instance you do remember. A. Well, the Star Newspaper Company, — their bills were reduced one-half.

Q. The Star what? A. The Star Newspaper Company.

Q. I said leave out the papers, news and other, the paper makers and the paper printers, and the legislative dinners,— now we have got all. A. Well, there was a lot of bills Winslow filed there, for advertising, that were all discarded.

Q. That is newspaper again. A. These are bills.

Q. I assume that that is always wrong. Now, leave this out; leave out the paper bills, the paper makers and the paper printers, and the legislative and councillor dinners, and tell me a bill that in your seventeen years of service, — I am leaving out mere questions of wrong addition, subtraction, multiplication and division, — tell me a bill that you do remember, now, then, of any sort that has been rejected by the auditor where the approval on the face of it was proper? A. I should not undertake to tell them from memory.

Q. Tell me one; I don't ask you to tell me all. A. I say that is the only answer I have to make to that, that I should not undertake to tell any of them from memory. If that information is wanted I should examine my vouchers and look it up.

Q. I wish you would look it up. I want the newspapers in every form, advertising and every other charge, left out; I want the paper sellers and paper contractors left out, because there was a flurry once about that, and the law passed the matter over to the Secretary of State, — leave those out, and leave out mere

errors of calculation, and legislative expenses, and tell me all that you do find betwixt now and to-morrow morning. A. We have a great many bills coming to the office; the bills are taken away, they are not kept; that is a matter no one can remember.

Q. I don't ask you to remember now; now, understand, Mr. Hawley, I ask you to go and find out from your records. A. I have no record of those; there is no necessity of it.

Q. Then we sha'n't get any more light by letting you examine? A. No, sir; you will not.

Q. Very well, then, can you remember any other? A. No, sir.

Gov. Butler. Very well; now we have got right down to it. I thought I should. Now, then, we understand the course of auditing required by law, and the committee will see whether it is one that affords any safety or not. That is all the advantage of this part of it and the advantage of this investigation. I wanted to take away the thing that has been standing as a protection against this man, that the accounts are all allowed by the auditor.

Cross-examination by Mr. Brown.

Q. I want to ask you one question. I have here a bunch of returns, schedules, from Tewksbury for 1882, and I will take one out at random. I notice that this oath of Thomas J. Marsh, the superintendent, reads in this wise: "I, Thomas J. Marsh, superintendent of the State Almshouse at Tewksbury, and the disbursing officer of said institution, certify that there is due to the parties named on the within schedule the sum set against their respective names, amounting in the aggregate to $7,192.32; and that the articles charged for have been furnished and delivered and the services rendered as set forth in the bills referred to in said schedule; and that the prices are just and reasonable, and the current market rates for such supplies and services at the time they were furnished or rendered." Now, let us take each one of these propositions; and I want to ask you whether, within your knowledge, these are examined into in the auditor's office. We will take this proposition, "that there is due to the parties named in the within schedule the sums set against their respective names," — was there ever any investigation of any bills, or is it the custom of the auditor's office to investigate and find out whether that is the amount due these parties? A. The bills are all examined in the schedule.

Q. Was there any other investigation made? A. That depends on circumstances. There have been times where bills have been thought to be extravagant, and wrong items, and have been disallowed. But if a bill appears on the face of it to be correct. — a bill for meat; perhaps it is sold under contract, and everything about it, so far as any examination goes, appears to be correct, and it agrees with the schedule. — that bill is allowed.

Q. Well, I suppose the question is duly considered in the auditor's office, as it is everywhere else, as to the parties with whom you are dealing. For instance, Thomas J. Marsh, known to be a man of character and integrity, — you would be less likely to examine into a bill to see whether the property had been furnished than you would some other people? A. We never had any reason to suspect Mr. Marsh of any wrong charge.

Q. Never had any reason to suspect Mr. Marsh of any wrong; now, did you ever have any reason to suspect that Thomas J. Marsh, in the purchases for this institution, did not buy the merchandise at the regular market rates? A. No, sir.

Q. Did you ever hear of any instance where Mr. Marsh did not buy closely, or, in other words, has his reputation at the office been that of a good close buyer?

Gov. Butler. Pardon me, I object to that, because I don't think he had any reputation at the office upon that matter at all.

Mr. Brown. Then the witness can say that.

Gov. Butler. Pardon me, I do not know that the auditor or the auditor's clerk is a merchant and knows anything about the market prices of meat.

Mr. Brown. If you don't know it, perhaps you can get some information, if you keep still a moment.

Gov. Butler. I don't know how he can know he was a close buyer unless he went out and examined. If he says he went and examined the market rates of given articles, I should like to have that proved.

Mr. Brown. I think that it is fair to ask this witness whether Mr. Marsh was known in the office as a man who dealt squarely and dealt honestly in the purchase of goods for this institution. If he was known as a loose purchaser and a reckless man in such regard that would be one thing, and if he was known to be a careful, prudent, economical, close buyer, and so adjudged to be by the several auditors, that would be an element in their minds in making up their judgment. I think the question is a

fair one. I don't know what the answer will be; I have never had any conversation with anybody about it.

Gov. Butler. Won't you look at the bill, — take a given bill, they are just alike, — and see if there is anything there to show whether he was or not? That is all I care for.

Mr. Brown. I want to say, in reference to that, Mr. Chairman, that here are Mr. Marsh's bills for twenty-five years. Twenty-five years this man has been about, this man has been in this market buying goods. Now, I don't intend to press this question, because I am perfectly willing to leave it to this committee. I know that this committee have, some of them, made investigation to find out what sort of a purchaser Mr. Marsh has been. I don't know what the result has been. I have put parties to investigate Mr. Marsh in this particular, with such reports as will come before the committee by and by. But, the question as put, — it, perhaps, is not a material question to this issue as to whether this auditor's office is any check upon anybody, — I think, is a fair question, whether a man who dealt with the auditor had the reputation of being a square-dealing man who was looking out for the interests of the Commonwealth, or whether he had not. That consideration would affect the mind of every man on this committee; every man. Now, if the Governor still objects to it I shall not press it; but I purpose to put that in: if you will excuse me a moment, I purpose to put that proof in, that Mr. Marsh, during twenty-five years, has enjoyed the reputation in this market, among the dealers in every kind of merchandise which he has had to purchase for this institution, of being a man who was a close buyer and who never would take as a present not even a ten-cent paper-collar. And I can crowd this room with witnesses to that effect.

Gov. Butler. I have no doubt the gentleman can crowd this room with witnesses who never have paid Mr. Marsh anything, but I shall bring a few who have before I get through. That is the difference. Now, then, there is one thing, however, that astonishes me, if it is true, and I want it understood if it is true. I supposed this investigation was being conducted by this committee in their committee room when all were present, and when all could enjoy the benefit of the evidence produced. If the statement is correct by the learned counsel that there are some of the committee who have been making a private examination into the character of Mr. Marsh, I think that their associates, at least, should know it, unless they have been ap-

pointed a sub-committee for that purpose. Then it would be official, and, then, I think it is due to me that I should know it. Because, how am I to argue to this committee this case, when I get through, without knowing what evidence they have got behind the door, outside somewhere. Now, I want to refute for this committee the counsel's imputation. I cannot believe it to be true. If it is true, I should be more sorry to hear it than I have been to hear any fact.

Mr. Mellen. I should like to ask of Mr. Brown who it is of this committee that is pursuing an outside investigation.

Mr. Murphy. I should like, also, to know for my information.

Mr. Brown. What?

Mr. Murphy. The same question Mr. Mellen asked, about the members of the committee pursuing outside information.

Mr. Brown. I should be very glad to inform this committee what I know upon this subject.

Gov. Butler. Do so, then; they ask you to.

Mr. Brown. But I do not intend to say further, now, than this, that there are gentlemen on this committee who have kept their ears and eyes perfectly wide open from the time this investigation commenced to the present time. I have no doubt members of this committee have heard many things outside, have asked many questions outside of people they have met, and they have a perfect right to do it. This is not a jury; this is a committee of the legislature of this Commonwealth. They have a perfect right to do it; and if I were a member of this committee, and I met a gentleman who was dealing largely with this institution, and I failed to ask him what was the reputation of Thomas J. Marsh in dealing with him, I should consider myself derelict in my duty. And I hope every member of this committee will take occasion to go to every man whose name appears on any of these schedules for twenty-five years, if he can be found living, and ascertain what is the reputation of Thomas J. Marsh as a business man and a man of integrity; how he has dealt with them; whether he could receive, and did receive, small packages of goods, or anything else; presents of money, or anything of that kind. I hope every member of the committee will do it, and I join with His Excellency in asking any member of this committee who has any information upon this subject to communicate it fully to every other member upon

this committee; but I don't ask that members of the committee tell me anything about it. I think I know precisely —

Gov. Butler. From what you said, you have no occasion.

Mr. Brown. What is that?

Gov. Butler. You already seem to know what they have found out; you have no occasion to ask anything.

Mr. Brown. I think I understand what some members of this committee may have ascertained; I don't know what all of them have ascertained; but, if there is any information I can give this committee, if I shall ever have a chance, if the legislature don't adjourn before you [turning to the governor] get through, I purpose to show this whole business to this committee, to turn this institution inside out for inspection by the world; and, if it is not as clean and as honestly conducted as any institution in this State with which any citizen of this State was ever connected, or any institution out of this State with which any citizen of this State was ever connected, then I will retire.

The Chairman. I will say I know of no investigation by any member of the committee outside of the committee whatever.

Gov. Butler. I supposed not, sir; I am very glad to hear it.

The Chairman. I think we had better go on with the hearing.

Gov. Butler. I am very glad to hear it. Now, then, we will go on with the investigation.

Mr. Brown. Thank you.

Gov. Butler. Mr. Brown had been misinformed, that is all.

Mr. Brown. Oh, no; I have not been misinformed.

[Recess for five minutes.]

Gov. Butler. Now, I want to ask you a little about —

Mr. Brown. I hadn't got through.

Gov. Butler. Pardon me, I thought you had.

Q. (By Mr. Brown.) Well, I will waive that question, Mr. Hawley. Now, you went into the auditor's office seventeen years ago? A. Yes, sir.

Q. Had you any experience as a book-keeper when you went into the auditor's office? A. Yes, sir; I had had some experience.

Q. You have been a book-keeper ever since? A. Yes, sir.

Q. That has been your business? A. Yes, sir.

Q. What is your present position? A. I am what is called first clerk.

Q. In other words you have the superintendence of everything done in the auditor's office, substantially. A. When the auditor is absent.

Q. Well, under him you look after the bills and the keeping of the books in the auditor's office? A. Yes, sir.

Q. And you are charged with the examination of the treasurer's books as often as once a year, are you not? A. Well, sometimes I assist the auditor in the examination of the books, and sometimes he does it alone.

Q. Now, how long have you been in this position as first assistant in the auditor's office? A. Since, I think, the 8th of August, 1879.

Q. What was your position prior to that time? A. I was what was called extra clerk.

Q. What were your duties as extra clerk? A. My duties at that time were copying the certificates that were sent forward to the governor and council, posting them occasionally on the appropriation-book, the analyzation of the accounts for the year, and preparing the tables for the auditor's report.

Q. Now, should you consider yourself, Mr. Hawley, a competent book-keeper to give an opinion in regard to the method, the accuracy with which a set of books is kept in a business house, we will say, in Boston? A. I should not like to say that.

Q. Well, you don't consider yourself an expert book-keeper? A. I never had my qualifications in that direction tested.

Q. Well, now, are you familiar with the methods of book-keeping in all the public institutions of Massachusetts that have to do with the auditor's office. A. All I know about the institutions that have to do with the auditor's office is by the accounts that come in there. I never visited any of the institutions; in fact I barely know the officers of the institutions.

Q. Now I want you to tell me, Mr. Hawley, for how many years you have been examining the returns of the accounts which come from Tewksbury to the State auditor's office. A. Well, I have had more or less to do with them, I should presume, for probably ten years. When I was occupying the position of extra clerk, a part of the year I was employed analyzing

the accounts of some of the institutions, and among them, Tewksbury.

Q. Well, now, what other institutions have you to do with, as clerk in the auditor's office? A. The State prison, the woman's prison, the Bridgewater workhouse, the Monson primary school, the State reform school, and the State industrial school.

Q. Now, sir, as book-keeper in the auditor's office you have had to do with this Mr. Charles B. Marsh, have you? A. Well, I have never seen Mr. Marsh in the auditor's office, I think, but twice. I have known that he was clerk at the almshouse, and have understood that he made out the schedules that were sent to the office. But I never happened to meet the gentleman but twice, I think, in the office.

Q. Now, sir, I want to know how the returns which come from Tewksbury, for accuracy, compare with those which come from other institutions.

Gov. Butler. I object. First find out whether the others are accurate or not; which I shall when we come to investigate them.

Mr. Brown. It will take five years to go through the other institutions.

Gov. Butler. That may be; but you must have a standard before you make a comparison to show these are as correct as others.

Mr. Brown. Well, I will put the question in a different form.

Q. What, if any, complaint have you ever had occasion to make in regard to the accuracy of the returns which come from the Tewksbury almshouse?

Gov. Butler. I have no sort of objection to that question.

The Witness. We have never had any complaint to make; in fact we have always considered, so far as we could see, that they were very accurate.

Gov. Butler. Yes.

Q. Now, you spoke of some little changes and inaccuracies, or something of that kind. Did those grow out of the misinterpretation placed upon some figure, or was it an error of calculation? A. That I don't know.

Gov. Butler. I don't put any stress upon that. Inaccuracies will come in every one's books. I want to say, to save all trouble, that Mr. Charles B. Marsh is one of the most accurate

book-keepers upon his system I have ever seen; and he keeps his books the cleanest of any man I ever saw, with less erasures than any other man I ever saw — blots or any thing of that kind.

Mr. Brown. But——. You were going to start off with a but.

Gov. Butler. But I don't like the system.

Mr. Brown. I knew you had a but in your mind.

Gov. Butler. Hereafter I will have something to say about the system by another witness.

Mr. Brown. With that admission, Mr. Chairman, I don't care to ask Mr. Hawley any more questions.

Q. (By Gov. Butler.) You have been asked whether you were competent to judge, and you looked over and saw bills that you might have made inquiry into. Have you got those bills? [Bills handed to the governor.] I have here a bill of last year. I want to see if you are expert in this business. Tell us whether this is a proper charge or not, "One dozen Philadelphia squabs, $4.25." Do you know the market price of squabs? A. I never eat squabs.

Q. No; they are considered a luxury. They are only fit for almshouses, I suppose. Now, then, are you acquainted with the price of strawberries in May? A. Perhaps the best answer that can be made would be that I did not examine all the bills of Tewksbury almshouse last year. Those were examined by Mr. Charles R. Ladd, the auditor. He probably can answer these questions.

Q. Now, then, are you at all acquainted, — because it may appear elsewhere, — are you at all acquainted with the value of one barrel XXX extra French cologne? A. No, sir; I am not. That is an article I don't use.

Q. Now, I find here in January one gallon of oysters, three gallons of oysters, three gallons more of oysters, three gallons more of oysters, three gallons more of oysters: are you acquainted with the price of oysters in January? A. I believe I pay thirty cents per quart.

Q. About how much? A. Thirty cents per quart, I think.

Gov. Butler. Well, perhaps that is so.

Mr. Brown. What is the price there, Governor.

Gov. Butler. A dollar and ten cents per gallon.

The Witness. I don't think I ever bought any for less than thirty cents a quart.

Q. Have you ever bought them by the gallon? A. No. I buy them by the quart; and then they amount to gallons in time.

Q. And when bought by gallons they amount to barrels. Now, then, I want to ask you —

Mr. Brown. Do I understand, Governor, that you object to the price of these squabs and oysters?

Gov. Butler. Well, yes. I do object to the price.

Mr. Brown. Do you think it is too high or too low?

Gov. Butler. Well, I think it is both. I don't think the money of the Commonwealth should be spent in this way.

Mr. Brown. That is, on squabs and oysters?

Gov. Butler. I should think so.

Mr. Brown. And that you make without knowing whether these squabs and oysters went for sick patients, or what they went for?

Gov. Butler. I should say I have not heard of any sick patients who got them. When you produce any sick patient that did get them I will withdraw my objection.

Mr. Brown. There are a great many things in this world that you haven't heard of.

Gov. Butler. Yes, a great many. I am finding out here every day.

Q. Now we will take the price of flour last year. Do you know what the price of flour was? A. I cannot say that I do.

Q. Do you know what you paid yourself? A. No, sir; my wife buys all my flour.

Q. Then if she was going to criticise the price she would be the better witness, would she? A. Well, she knows what she pays.

Q. Well, what should you say to 125 barrels of flour at $7.25 last year? A. That is what he paid in 1880.

Q. That is what you paid for family flour? A. No, I pay more than that. That is not good enough for me.

Q. Now, then, what should you say to flour at $8.50 a barrel? A. I should think that was a little low.

Q. This last year? A. Yes, sir; I believe I paid as high as $11.

Q. And then what should you say to flour again at $8.50? A. I should not think that was very high for flour.

Q. Then what should you say again to flour at $8.25, in July last? A. Well that is cheaper than I buy it.

Gov. BUTLER. I have no doubt.

Q. (By Mr. MELLEN.) You do not buy by the thousand barrels? A. No, sir.

Q. (By Gov. BUTLER.) You buy by the single barrel at retail? A. Yes, sir; I think I paid $11 or $12.

Q. Do you use the Minnesota flour? A. Yes, sir; I do. All my flour comes from Minnesota.

Q. And that is the highest price flour in the market? A. Yes, sir; I think so. It is the cheapest flour to use; it goes the farthest.

Q. Yes, it goes farthest in the family. I only wanted to put this in to test your knowledge, so as to show whether we have any check on these bills. Did you ever examine any one of these bills in your life with the prices current before you at the time? A. No, sir.

Gov. BUTLER. All right, sir, I won't trouble you any further.

Adjourned until Thursday, May 3, at 9.30 A. M.

TWENTY-FIRST HEARING.

THURSDAY, May 3.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester, in the chair.

Mr. BROWN. Mr. Chairman, I had a witness that I intended to call for the defence, and I ascertained yesterday morning, or the day before, that he was booked for Europe on Saturday morning of this week; and I understand from the witness that he is to sail on Saturday morning at half-past seven o'clock. It would be very inconvenient for him to remain, and I, therefore, with the consent of the Governor, will offer his testimony which will be very short, and to one single point.

Gov. BUTLER. Certainly; Mr. Brown spoke to me yesterday about it, and I agreed that he might call t e witness.

TESTIMONY OF STEPHEN C. MARTIN (*sworn*).

Direct examination by Mr. Brown.

Q. Mr. Martin, what is your full name? A. Stephen Crosby Martin.

Q. Where do you live? A. In Roxbury.

Q. What is your street and number? A. 27 Dudley Street.

Q. What is your business? A. Physician.

Q. Are you a graduate of Harvard College? A. No, sir.

Q. Are you a graduate of the Harvard Medical School? A. I am.

Q. When did you enter the Harvard Medical School? A. In September, 1870.

Q. When did you graduate at the Harvard Medical School? A. In February, 1874.

Q. Were you there continuously from September, 1870, to February, 1874? A. Yes, sir.

Q. Do you know Dr. John Dixwell? A. Yes, sir.

Q. Did you know him during the period that you were in the Harvard Medical School? A. Yes.

Q. How intimately did you know him? A. Well, I knew him quite intimately; I knew him very well.

Q. Were you in his class? A. Yes, sir.

Q. Were you in the same dissecting group with him? A. Well, by group you mean class? We were divided up into classes of five on subjects: sometimes I was, sometimes I was not.

Q. How frequently were you in the same class with him for the purpose of dissecting — a class of five? A. Well I may have been on the same subject with him two or three times; but in the room — I was in the dissecting-room with him a great deal.

Gov. Butler. I don't quite get what you say.

The Witness. In regard to the class or group for dissecting, we were divided up into fives; five men to a subject.

Q. (By Gov. Butler.) And that is what you mean by class or group? A. I was only on the same subject with him, perhaps, once or twice: but in the same room, dissecting on different subjects, I was with him a good deal.

Q. (By Mr. Brown.) Now, were you familiar with the dissecting-room and with the room in which the bodies were kept prior to their being produced for dissection? A. Yes.

Q. Were you ever in that room where the bodies were kept before they were produced for dissection? A. I never happened to be there to my recollection more than once in that room, the little room that he used to bring the subjects out of.

Q. That is, the janitor or the demonstrator? A. Yes, sir.

Q. Now, did you occasionally see what was in that room? A. I saw what happened to be there at that time.

Q. Now, Dr. Martin, I want you tell this committee whether, during the time you were in that school with Dr. John Dixwell, you ever saw any babies dissected, or any babies in the room where the dead were kept for the purpose of dissection; or did you ever see Dr. Dixwell dissect a baby? A. No, I never did. The only baby that I saw at all in the dissecting-room was one brought in from outside by a couple of students; something they had picked up in the city.

Q. Were there any babies in this dead-room, where the bodies were kept for the purpose of dissecting, at the time when you saw what was in it? A. No.

Q. Now, I will put the question more generally again. Did

you ever see a baby, except the one named, in the dissecting-room during the period that you were at the Harvard Medical School? A. No, I never did.

Q. Do you know of any purpose for which babies could be used in the dissecting-room which would be of value? A. Well, no; unless some student was specially interested in the anatomy of the baby, and might have some special purpose and want to dissect one baby, or something of that kind; but he could not, to my knowledge. They were never issued by the school.

Gov. Butler. I do not claim they were.

Mr. Brown. Claim they were what?

Gov. Butler. The doctor says they were never issued by the school. I do not claim they were.

Mr. Brown. You mean issued by the school to the students.

Gov. Butler. Certainly.

Mr. Brown. But I understood you did.

Gov. Butler. Oh, no.

Mr. Brown. Well, I don't know, then, as I understand what your claim is.

Gov. Butler. My claim is put by Dr. Dixwell very plainly, and is exactly different from this.

Mr. Brown. Well, it was not the claim of Dr. Dixwell I was inquiring about, but your claim.

Gov. Butler. Pardon me: I made no claim. I put in the testimony. I say I don't claim to the contrary of this testimony. I don't claim there is any testimony that this testimony would contradict; that is all. However, go on; I am content if you are.

Q, Now, doctor, did you ever see any dogs or cats, or anything of that kind, dissected on these dissecting-tables in the dissecting-room at the Harvard Medical School while you were there? A. No, sir.

Q. Did you ever see any remains of human bodies and of the bodies of animals, dogs, cats, sheep, hogs, or anything of that kind, all thrown in together? A. No.

Q. And carted off? A. No.

Q. Do you know what was done with the remains of a body that was dissected while you were there? A. They were put into boxes. There was a shed back of the dissecting-room where all the debris and skeletons and what was left of them were put into these boxes; with all the pieces of muscle and tissue that were dissected off of them and put into pails, and

from pails into these same boxes. I never saw any of them carried away; but I understood —

Gov. Butler. Leave that out.

Q. You know they were put into boxes, and when those remains were put into boxes; that is the limit of your personal knowledge? A. Yes, sir.

Cross-examination by Gov. Butler.

Q. Doctor, how many were in the same class with you? A. I could not say.

Q. About how many? A. Well, when I entered the school the school was not divided into classes, and the men who were at the school were called the medical class.

Q. What? A. All the students at the school were called a class. That is to say, it used to be called the medical class.

Q. Then you were with this Dr. Dixwell in this sense; that you were there in the school at the same time? A. Yes, sir.

Q. You were one of all the students there. How many were there? A. In the neighborhood of three hundred, more or less.

Q. At that time, if I understand it, there was no examination for admission, except to apply for admission? A. That was all.

Q. Anybody could go there, with education or without any, and apply to be admitted, and be admitted to the class; and there were some pretty rough men got in, weren't there? A. Well, they were rough, as far as external polish went.

Q. And some of them pretty rough as far as education was concerned, I suppose? A. I suppose they were; yes, sir.

Q. Now, how many bodies did you dissect during your stay there? A. You mean parts — parts of bodies?

Q. Yes. I think we had better have it explained, so there shall not be any misunderstanding. If I understand it, when an adult body was ready to be dissected, the students drew lots for the parts. One had the head, one an arm and part of the trunk, one the other arm and part of the trunk, and one each leg and part of the trunk? A. Yes, sir.

Q. And you paid how much for your privilege of drawing lots? A. When I first entered the school in the summer, the summer school as it was called, we paid nothing. Before Eliot was president at Cambridge we used to pay a dollar; but when he took hold of the school we had to pay two dollars.

Q, So that a body would cost you — I must ask, when did Eliot enter the school? A. Well, Eliot took possession of the medical school — the medical school, as I understand it, used to be run as an independent affair. The professors of the school used to have the whole charge of the finances and everything else; and I don't remember just when it was that it came directly under President Eliot's management; but it was, I think, in 1871, sometime; and then the price of parts was put up to two dollars.

Q. Well, in the first place, one and then two dollars. Well, when you were there, during your time, who was the janitor? A. Andrews.

Q. He was a one-eyed man, who afterwards committed suicide? A. I don't know about his being one-eyed; he committed suicide.

Q. An injured eye? A. I never noticed.

Q. Very well, I only wanted it for identification. Now when a body was brought out for dissection it was brought out of a small room. About how small? A. Well, as I recollect it, perhaps you could get this table into it; that is my recollection of it.

Q. This round table? As large as this table? You mean the round table? A. I think you could get this round table into the room.

Q. Was it fitted up with racks, like a cloak-room, for receiving the bodies? A. No, the bodies were on shelves that run along.

Q. Lengthwise, or endwise? A. Lengthwise.

Q. And you were in there once. When; the latter part or the first part? A. Well, I cannot tell you.

Q. How many bodies were in that room at that time? A. I think there were two.

Q. Well, was there a dearth of bodies? That is, could you get as many as you wanted for dissection? A. No, it was hard to get them.

Q. That is, the demand was always in excess of the supply? A. Yes, sir.

Q. And there was a desire to get bodies. Well, now, how many could dissect? In the dissecting-room how many dissecting-tables were there? A. There were about ten or a dozen.

Q. And when the school was in full operation and there were bodies enough, there were ten bodies being dissected at a

time? A. Yes, there could be; I don't think I ever saw it full, and sometimes it would not be more than a quarter full.

Q. Well, there were three hundred students? A. Well, the students would not dissect all through their course. It was generally the first-year men that dissected the most; that is, according to the old management. This new system is something I don't know about.

Q. You can leave out the new system, because we are now under the old management, while you were there. Would the parts of the body be separated after you had drawn them? A. No, we took the whole subject and gathered around the table.

Q. Were you allowed to take away any portion? A. Yes, we could, but it was seldom done; for the fellows preferred to dissect in the dissecting-room because there were others present, and it was more jolly, you know.

Q. It was more jolly to dissect in the room. Who took care of the rooms and of the subjects? The students didn't; they left them on the tables, I suppose? A. Yes, sir.

Q. Did you ever see anybody take care of the rooms? A. Well, I used to see Billy Andrews take the subjects off of the table when we got through with them and there was no longer any dissecting to be done upon them, and put them in the boxes.

Q. As you dissected, you dissected off parts of muscles, etc., that you laid aside or left on the table? A. Yes, sir.

Q. What was done with them? A. That was put into pails and he took it off.

Q. There was a pail underneath each table? A. Yes, sir.

Q. And you threw it into that? A. And this used to be emptied by Andrews, together with the rest, into the vault or box.

Q. Did he take it out of the room while dissecting was going on, or did he clean up afterwards? A. He used generally to do that work when the dissecting-room was empty, when the fellows were not there.

Q. Then, during that work, when it was emptied, you would not be there, would you? A. Well, I say generally he used to do it at that time.

Q. But sometimes he did take it out when you were there? A. Yes, sir, at any time.

Q. Now, at that time where was the dissecting-room? Have you been there lately? A. No.

Q. Ever been there since? A. No, I don't think I have been there since.

Q. What sort of a building was this dissecting-room in? A. It was in a one-story L to the school, built of brick.

Q. A one-story brick L? A. Yes, sir; lighted by sky-lights at the top. It was one story so that it could be lighted from the top.

A. Any windows? A. Yes; there was a window on the side, not used as a window; it was used more for a door. It was covered with a shutter; if I remember right, there was no glass in it, and it was used more as a door.

Q. Where did it lead out of? A. It led into this sort of an area, at the end of which was this shed where these remains were kept.

Q. How near the water at that time was this dissecting-room? A. Oh, it was a good ways from the water. It must have been — I don't know expressly, I am not a good hand at estimating distances, but I should think an eighth of a mile.

Q. An eighth of a mile from any water? A. Yes, sir.

Q. Do you know whether this was the same dissecting-room that was there when Prof. Webster was there? A. I could not say, but I suppose it was.

Q. Where you ever shown, while there, where Mr. Webster tried to file off the hasp, or some portion of the lock? A. No; I don't know that I ever heard anything about that.

Q. Will you have the kindness to tell me your age, Dr. Martin? A. Thirty-two last September.

Q. That was September, 1882, and you were there in 1870; you must have been about twenty years old then? A. Yes, sir.

Q. Now, did you ever see any sort of an animal dissected in your life? A. Oh, yes; I have dissected a great many myself. I was with Agassiz two years, in Cambridge, dissecting them.

Q. And there were no animals issued by the college, of course? A. Oh, no.

Q. Certainly not. And now you say that you don't know why a student should have wanted to have a baby to dissect unless he wanted to get acquainted with the anatomy of a baby. Will you explain, specifically, the difference between the anatomy of a baby and the anatomy of a man, except in size, — a male baby? A. Well, the only essential difference in

their anatomy is that in the baby, a very young baby, you can find and trace the fetal circulation.

Q. You can trace the fetal circulation in the body of a man? A. You cannot trace it at all. Any baby has the fetal circulation.

Q. You can trace the fetal circulation in a very young baby; otherwise, the anatomy is the same, I suppose? A. Yes, sir.

Q. Now, it would be much more convenient, wouldn't it, for a student who is pretty enthusiastic, and wanted to employ his time at home, to take a baby in a box and take it home, than it would be to take a leg, or an arm, or a trunk? A. Oh, yes.

Q. That would be very inconvenient. And do you remember about what time; if you can tell me the time of the year, can you tell me the day you were in there? A. Any particular day I was at the school?

Q. No; that you were in this room where the bodies were kept. A. Oh, no; I could not tell you the day.

Q. Were there any refrigerating or preservative supplies in this room? A. Well, the way the bodies were preserved was by a preparation which was injected into the arteries. They were not preserved by cold at all, except that the building was of brick.

Q. I suppose so. I didn't say cold, you know; I said preservative supplies in the room. A. I thought you said refrigerating.

Mr. Brown. I don't think the witness understands you; ask him again.

Gov. Butler. I will repeat the question.

Q. The question is whether in this room from which the subjects were delivered there were any preservative appliances of any description? A. Well, when the bodies were brought they were prepared with this composition, which was a fluid mixed with something and injected into the arteries.

Q. I understand that, and do not care to be informed about that matter. I want to know if there were any preservative appliances in this room? A. No, sir; not to my knowledge.

Q. Very well, then it is evident that this room was not the first place where the bodies first were taken to the college? A. Yes; it was the first place.

Q. What? A. There is where they were taken. When

they were brought to the college they were taken there and put through the injecting process, and then brought into the school.

Q. Injected in that room. Who did that, sir? A. Andrews.

Q. While you were there to whom did the students pay the money? A. To Andrews.

Q. And this trade, whatever it was, was in fact between the students and Andrews? A. Well, between the students and the school; Andrews was the agent acting for the school, of course.

Q. His agency I do not inquire about; I only wanted to know who the trade was made with? A. The money was paid to Andrews.

Q. And then if there was no other trade made, Mr. Andrews would be out at least two dollars? For every body you have paid Tom Marsh his ten dollars, and paid Manning for transportation, and then he would be out a couple of dollars? A. If he paid this money.

Q. If he paid this money? A. No, he would not be out; the school would be out.

Q. How would the students be out? A. The school.

Q. I will bring it to your attention thoroughly, doctor. Originally you only paid one dollar for the fifth of a body. Afterwards you paid two dollars for the fifth of a body. That would make it that at one time you paid five dollars, and at another time ten dollars for a body. Now we will take the highest price. We have had testimony here that it cost ten dollars to carry a body down from Tewksbury, and there is testimony that others were paid two dollars besides. Now if Andrews sold one of these bodies for ten dollars only, he would be out a couple of dollars. He paid twelve dollars, didn't he? A. Oh yes, the school used to lose money on the bodies.

Q. The school used to lose money on the bodies? A. At the summer school they used to supply us for nothing.

Q. At one time they supplied you for nothing? A. Then, of course, they were out.

Q. Did you ever see Mr. Andrews keeping any books? A. The only account he used to keep — of course I know nothing about the books he may have kept, but what he displayed in the dissecting-room was simply the lists of five each that he drew lots by, you know.

Q. There was a little list kept on which the boys who wanted

to subscribe for a body were named, and their names were drawn from that list? A. Yes, sir.

Q. Was that a book, or simply a slip? A. Well, I don't remember.

Q. Now, won't you describe the boxes into which these remains were put in the other room? A. Well, the boxes that debris, etc., were stored in, I should think were packing-boxes.

Q. Ordinary packing-boxes, sir? A. Yes, sir.

Q. That is, like shoe packing-boxes or dry-goods packing-boxes? A. I don't know: I should think they were six feet or more long and three feet wide.

Q. How high? A. About that much. [Indicating.]

Q. You measure a little more than two feet with your hand, apparently. About how many boxes did you see in there at the time, in which remains were put? A. Well, perhaps two. There may have been empty boxes there, too.

Q. How often were they changed? A. That I could not say.

Q. Were the same boxes there, as far as you know, all the time? A. I could not say that.

Q. It might have been the same or different boxes? A. It might.

Q. Then there were boxes or receptacles out of this room all this time into which these pails were emptied, and into which the larger debris, thigh bones, etc., were afterwards put? A. Yes, sir.

Q. Well, then, if you are correct, there was never any occasion to transport little ones from Tewksbury anywhere? A. No, there was no occasion for the school, at all, because they were never issued by the school.

Q. I know they were never issued. Then, except for the purpose of dissecting, or for the purpose of eating, there was no occasion for bringing the bodies of infants down here? A. No, sir.

Q. Well, we have some testimony that little ones were transported, and there was a little difficulty about the pay. What was the use, of what use could they have been, except for dissection? A. I don't know, except for curiosities.

Mr. Brown. Governor, I will give you a whole chapter on that subject by and by.

Gov. Butler. I have no doubt; and a very interesting chapter we shall have, no doubt.

Mr. Brown. And instructive, too.

Q. Well, there seems to have been three hundred students. About how many different classes were there in the school every year? A. Well, we would generally stay there for three years. If a man took his full course at the medical school he would stay there three years. About a year after I came to the medical school it was divided up and separated into three classes, — first-year men, second-year men and third-year men. But when I entered the school, the year I was there, we were all in together; but of course the first-year men would naturally affiliate with each other; and so with the second-year men and the third-year men. Generally it was the first-year men that did pretty much all the dissecting.

Q. You were twice on the same body with Dixwell? A. Yes, sir.

Q. Well, who is Dr. Dixwell? Who is he? Where did he come from? A. From Cambridge.

Q. Who were his relatives? A. Well, his father is Epes Dixwell.

Q. And was he a relative of Dr. Bowditch? A. Yes, sir; he was a nephew.

Q. A pretty good student, was Dixwell? A. Yes, sir.

Q. Pretty ardent? A. Yes, sir.

Q. And the story that three hundred other men that could tell just as much as you can could be told without your being kept from going to Europe.

Mr. Brown. Well, I will explain that by and by, if I ever get a chance, Governor.

Q. (By Mr. Brown.) Did you ever see the inside of these boxes into which these remains were put? A. Yes, sir.

Q. Do you know whether they were lined with any other material so that they would be perfectly water-tight? A. I could not say.

Q. One other question. If, when you were at the medical school, you recollect that Charles Street; that is, that section of Charles Street which leads from Cambridge Street over towards the Lowell depot, was substantially as it is now?

Gov. Butler. He says he has not been there since.

Mr. Brown. I asked him whether he recollects or has any knowledge as to whether Charles Street had been filled in substantially as it is now.

The Witness. Yes, sir.

Q. (By Mr. Brown.) You don't recollect the earlier time when Charles Street was not there? A. I know nothing about it.

Testimony of Lorenzo S. Fairbanks (*recalled*).

Direct examination by Gov. Butler.

Q. I have asked you to examine this account of the inmates' money kept by Charles Marsh. Have you the memorandum of your examination? A. I have, sir.

Q. Can you tell how many cases of erasure you found on these books? A. I found on the two books fifty-four alterations, or erasures and alterations.

Q. How many of men who are dead or who have absconded? A. Twenty-three of them are of persons who have died, twenty-three of them are persons who have been discharged, three of them of persons who have absconded and five unknown. Of the alterations, forty-seven are the alterations of figures in the money column, and seven of them are alterations of something else.

Gov. Butler. I want the committee to understand that this was exactly how these books are kept. This is the first one, and that is the way they were kept at first [exhibiting a book to the committee and reading]: "O'Brien, Hannah, $3.50, paid," and these were kept apparently in one handwriting, and pretty much at one time, some of them. Then this commences. That is, the unpaid amount, in March, is brought into this book. December, 1871. Then they were kept in this way: Austin, Margaret, had $10 entered to her, and then those are small sums in pencil that are supposed to be paid to her from time to time; and then at last, on that date, which was supposed to be the date of her death or discharge, you have a date that is scratched through, a line drawn through it, the evidence of payment. Then occasionally there would be remarks in the centre, here — "bank-book;" "patent watch;" "copper watch," or something of that kind. So in some of the alterations, the alterations which we speak of in the money column will be that. The alterations in the other column will be where those watches have disappeared.

Mr. Learnard. I would like to ask how many years this extends over?

Gov. Butler. That book?

Mr. Learnard. The number of erasures?

Gov. Butler. This last book extends from December, 1871, a portion of it being extracted from that book.

Mr. Learnard. Then, of course, it covers this book also, as a part of it is an extract from it. What are the extreme dates?

Mr. Brown. This book commences in 1868, in October.

Gov. Butler. In 1858.

Mr. Brown. In 1868. That is to say, it is in alphabetical order, and the first entry I notice is October 1st, 1868.

Gov. Butler. That is, no book — the institution had been running under the present management for ten years, and no book is to be found containing any entry up to 1868.

Mr. Brown. There is another book which precedes this 1868 book, I think.

Mr. Fairbanks. This book I have not examined. It is a very old one.

Mr. Brown. But it exists here in this investigation just the same.

Gov. Butler. No, this contains monthly reports; it is not the one. This is not such a book, I think; I cannot be wrong.

Mr. Brown. The account commences in 1857, March 16.

Gov. Butler. These are monthly reports. [Sheets taken from a book.]

Mr. Brown. I beg your pardon, this is the cash account of inmates, commencing in March, 1857. Let me reverse the leaves so they will be in order.

Gov. Butler. That book has not anything to do with it.

Mr. Brown. I suppose they were put into this book for preservation.

Gov. Butler. I don't know what these sheets were put into that book for; because, you see, these all have a printed heading. I was correct in saying there was no book kept. These leaves were never, apparently, in any book. If they were, they have been torn out of the book.

Mr. Brown. Perhaps Cornelius O'Brien tore them out.

Gov. Butler. Perhaps he did; it is as probable as about anything else that has been advanced here.

Mr. Learnard. I understand, then, for a period of fifteen years it is less than four erasures a year? I understood you to say there were fifty-four erasures during a period of fifteen years.

The Witness. I suppose that would depend upon the date of the first erasure.

Mr. Learnard. 1868 is the first.

Gov. Butler. Before we get through, Mr. Committeeman, we will show you the erasures, and that they don't go by averages.

Mr. Brown. That estimate would seem to bear out your statement of yesterday, when you said the books contained less erasures and blots than others.

Gov. Butler. Ah, pardon me, I was speaking of *these* books.

Mr. Brown. Your language didn't imply that.

Gov. Butler. I had the books in mind, and my hand was on them. What I said, if you will observe, was that I never saw books more cleanly kept, pointing to them; and this book has been anything but cleanly kept. [To the witness.] Now, won't you take a certain entry by way of illustration? [To the committee.] While we are looking up some dates I will say that these erasures, as we shall show, are, some of them, even duplicate erasures; that is to say, they are erased on the new book and then there is a corresponding erasure on the old book, so that it makes the two books alike. We will have no difficulty, I think, in getting at the evidence.

The Witness. [Commencing to read from a book.] No. 51802 —

Q. (By Gov. Butler.) First, what is this book? A. This book is sent to me as the original history of certain persons.

Q. From where? A. From Tewksbury almshouse; furnished by the department of in-door poor, and brought here.

Gov. Butler. The historian's books that you have heard of. I read the history of this party.

"Register number 51802; age, 36; name, Ellen Allen; from Gloucester, April 3, 1877; condition, lame." I should think. "Admitted April 3, 1877; discharged." — blank; "dead; came from Ireland," I should think "Queen's County" or "Queensland, to Boston, June 8, 1855, per ship Joseph, under the name of Ellen Belcher; lived in Boston; married there in 1857 to Robert Allen; lived with him five months, when he was sent to the State prison for arson; served three years; came out in 1862; she went to California shortly before he left the prison; in nearly four years returned to Boston and kept house for her brother, Patrick Belcher, 32 Thacher Street, four years, when brother died; then lived corner of Thacher and North Margin Streets three years; in Massachusetts General

Hospital three months and about Boston until thirteen months ago; since in Gloucester with sister Ann, wife of John Morey, Cedar Street; husband enlisted after he left the State prison, and she knows nothing of company or regiment or of his whereabouts since; no family living; has heard husband was married again: since returned from California has been feeble; husband had $800 in the bank, which she has expended for board; said she loaned her brother-in-law, John Morey, $200, but he claims she has boarded it out and turned her off; has $46 in cash here; paralyzed, four years."

Now, then, won't you say what the entry of that woman's cash is, as it stands? A. As it stands it appears to read $1; it is an erasure.

Q. Can you determine with the magnifying-glass, or with your eye, that $46 was originally entered? A. I cannot determine the four; I cannot judge from that, it is so completely erased; there is an erasure in the place of the tens.

Q. What now remains there? A. There is a straight line, with a hook on the bottom similar to the hooks on the figure six above. If one was altered, it must must have been altered from a nine, a seven or a six; and this could have been easily altered from a six, according to his style of making a six.

Q. Can you now turn to where the State is credited with her effects? A. I have seen on the cash-book, and I believe that is the case, that in 1877 the amount received from this source was credited in the aggregate, so that it is impossible to say how that was turned in. I could simply give the amount that was turned in in that year.

Q. What time does it appear that this amount, this $1, was paid over? A. At the head of the column we have the word "Paid." In the column opposite Ellen Allen is September 26, 1878. That is as far as I have investigated the date. This column contains the date when the money was actually paid, presumed to be paid; that is, it is intended for that.

Q. Now won't you see when she died? A. She died May 16, 1877.

Q. So that it could not be paid to her in 1878, if I understand? A. It would be turned over to the State soon after, or some time after.

Q. But it would not be paid to her in her lifetime? A. It could not have been paid to her in her lifetime.

Q. Now, is there any memorandum there that anything has been paid to her in her lifetime? A. I find nothing.

Q. Can you see; can you trace the remains of the six? A. The figure now used, $1, is not entirely erased: it has a scratch over it, leaving, I think, the original stroke. This amount is entered here —

Q. (By Mr. Brown.) What amount? A. One dollar. "September 26, 1878. Cash received from the estate of Ellen Allen, $1."

Q. (By the Chairman.) That is the cash-book? A. Yes, sir.

Mr. Brown. And it is crossed in the original entry.

Gov. Butler. Oh, yes; it is crossed off.

The Witness. It is properly marked there.

Q. (By Gov. Butler.) What date? A. September 26, 1878.

Q. And what is the date of the entry you were looking at? A. September 26 or September 28, I believe.

Mr. Brown. What is that date?

Mr. Wolcott. September 26, 1878.

Mr. Brown. This record is April 3, 1877; a year and over between; plenty of time to spend forty-six dollars.

Gov. Butler. Now, is that the explanation that Mr. Marsh instructs you in? Because she died a year before, and there was not so much time as there might have been. I guess I would not attempt to explain until I had heard the evidence. She died a year before.

Mr. Brown. Died before she entered.

Gov. Butler. Died before she was credited.

Mr. Brown. Of course.

Gov. Butler. So there was not so much time. I would not attempt to explain it now.

Mr. Brown. They could not credit it until she died. They are not obliged by law to credit it until the end of the year.

Gov. Butler. I don't want to discuss the law. It is fact I am discussing now.

Q. (By Gov. Butler.) Now, won't you take the case No. 38483.

The Witness. [Reads.] "Register number 38483. McGrath, Jane, 60 years old, from the M. A. H., April 10, 1872. Born in Malone, New York; there twelve or fifteen years: came to Massachusetts in 1857; has lived in Worcester, Huntington.

and various places in New England; but a year or two in a place; in Winslow three months; single; domestic; parents James McGrath and Ann Smith, died in Malone, N. Y.; appears *non compos mentis*; dropsy; had quite a sum of money; the overseer who brought her here from M. A. H." — in brackets again — "took nearly $17; two fares from Hinsdale, $3.30; one to Hinsdale, $1.65; hotel, $2; horse keeping, $1.50; dinner, $0.50; board at Windsor, $3; personal expenses, $5; total, $16.95, leaving her $29.52; H. N. Winslow brought her."

Gov. BUTLER. That is the history. You will observe, gentlemen of the committee, that in the last case that we had, $46, there are no memoranda of any payments.

Mr. BROWN. As you said a minute ago, why should there be; she died before the account was made.

Gov. BUTLER. She lived a short time.

Mr. BROWN. But you said a moment ago that she died before the account was made.

Gov. BUTLER. No, sir; I said before the account was closed; nearly a year before. And in the mean time she hadn't been paid anything, so far as the books show.

Q. (By Gov. BUTLER.) Now, won't you see how that appears on the book? A. "No. 38483, Jane McGrath, $9.52." Erasure running over all the figures; quite an erasure, stronger in the place of tens than anywhere else. The other figures may not have been altered, $9.52; I am rather inclined to think not, although my first impression was that that 9 had been altered from cipher. I don't feel confident about that; I think it is not altered.

Q. What was the date, Mr. Fairbanks? A. Paid May 8, 1873.

Q. (By Gov. BUTLER.) $29.52? A. $29.52.

Q. Was the amount which was given in in her history. A. The erasure is very carefully done, if there was an erasure. I cannot see any trace of it.

Q. And the whole amount entered was what? A. $9.52.

Q. The digit dropped off. Q. How much was accounted for by that book? A. There is no account in May, 1873. The first account that I find relating to this money, or money of inmates is, "July, 1873. Received from those who have died or absconded from September 30, 1872, to June 18, 1873, $105.75."

Q. (By Mr. BROWN.) That prior date was what? A. September 30, 1872. There is not any means of determining

that amount without a very long and laborious investigation, even if it could be found at all: that is, take out the several amounts, add them, and see whether they make $105.75.

Q. That is, to know where that aggregate came from? A. Yes, sir. And for the reason that it is not noted in here whether the party is dead or absconded. You would have to go through the whole books to find anything of that kind.

Gov. Butler. Try another case.

The Witness. Elizabeth Barry, No. 41018.

Gov. Butler. What is her history? Read her history.

Mr. Brown. I pray the judgment of the committee. Where did that history come from?

The Witness. I will explain if you wish me to, as far as I know.

Mr. Brown. I don't think we ought to read memoranda here in the handwriting of an accountant without knowing where it comes from.

The Witness. I have nothing to do with this. This was handed to me with these books and with the statement that it was not recorded on any book, and that this was the only record which Tewksbury has at this time.

Q. (By Mr. Brown.) You mean that identical piece of paper? A. Yes, sir.

Q. In whose handwriting is it?

Gov. Butler. It is a headed statement from the office.

Mr. Brown. That is all I want. [Exhibiting the paper to Charles B. Marsh.] That is Mr. Tripp's handwriting, from the office below. The same as this other historical record.

The Witness. And of the same authority.

Mr. Brown. This is authorized, is it not? It is from a reliable source, I have no doubt. I don't object to it.

Gov. Butler. This is the original statement from which this is drawn up.

Mr. Brown. I don't object.

Gov. Butler. [Reading the history.] "Register number, 41,018; Elizabeth Barry from Boston, May 17, 1873; institution T. A. H." — Tewksbury almshouse.

Mr. Brown. That M. A. H. means Monson almshouse — that you saw before.

Gov. Butler. [Reading.] "Died June 12, 1873; 70 years old; born in Ireland, County Galway; landed in New York about 18 years ago; direct to Boston and there since; husband,

Michael Barry, off; no family; no relatives, friends, or home; deaf as an adder; infirm; cash, $4; no other institution."

Q. (By Gov. Butler.) Now won't you find the credit to her? A. "No. 41,018, Elizabeth Barry,"— apparently—"$1." An erasure, — apparently an erasure of a part of the 4. You can see.

Q. Is it visible with your glass? A. It is visible without the glass.

Q. That is, the four altered into a one. She died apparently. What date is that supposed to be paid? A. Paid August 11, 1873.

Q. Is there any way, by this book-keeping, of tracing that money at all? A. That, if accounted for, would be included in the last amount I read, entered in July, 1873, — $105.75.

Q. Only one dollar appears there now? A. Only one dollar appears there now.

Gov. Butler. Try another, sir.

The Witness. No. 38,091. —

Gov. Butler. Won't you read the history?

The Witness. "No. 38,091. Locke, Emily, 23; from Boston, December 28, 1871, P. E. Hd.; Boston, Oct., 1871, per steamer 'New York;' brought out by Samuel Hubbard, Great Falls, N. H., with other girls as d-o-m-s" — I should read it: "domestics;" there are abbreviations — "S-i-n-g," I won't undertake to interpret this — "E-n-c by William Locke; first insisted he was husband, and afterwards said only cousin; C. H. met on Chardon Street with him; many times out of doors; don't know his whereabouts; it is thought Richard Locke in P. E. I. may be his father: mother, I suppose Fanny dead many years; stepmother, without father: no relatives or friends; says —— but prevented by the ice. Has funds to pay passage, $15; in Newburyport since landed; has check for trunk at Eastern depot, Boston."

Now inmates' cash-book —

"No. 31081, Emily Locke, $5.73, paid March 27, 1872."

Erasure of the figure one appearing. And the erasure is so light, and the color of the ink shows in such a way, that I am rather inclined to think there was an attempt to use acid on that. I am not certain about that. "Died March 27, '72."

Q. (By Gov. Butler.) "Do you find that accounted for, unless it is in this large amount? A. Not in March. "September 30, 1872, received cash from the effects of inmates since

December 23, 1871, dead and absconded, $83.41;" and an erasure, a rubbing there; I cannot make anything out of that: it seems to be rough; it may not amount to anything particularly.

Q. Is it accounted for in any way except it went into the general sum? A. I find no account; I have seen no account of it.

Q. Have you got there the erasure where there is an erasure on both books, so as to correspond?

Gov. Butler. I want to say to the committee that the fact that on these record books, in many of the records it is not stated they have money, that is no evidence that they hadn't any. This statement about money is only where they voluntarily make it: because a good many people concealed the money, and it was not found until after they got up there. These are voluntary statements that are made at the time, that they had so much money. Here is one now where it was carried forward, and then had to be erased on both books to cover it.

The Witness. No. 34762 —

Mr. Brown. That is the number of the inmate.

The Witness. That is the number of the inmate. Michael Sullivan.

Gov. Butler. No history to him.

The Witness. The amount appearing here is $1.41 on one book, and on the other —

Gov. Butler. On the last book?

The Witness $1.41 on the last book, and $1.21 on the first book; and it has been taken from the first book to the second book, and there are erasures on both books of something in the tens of dollars. I wish to correct the statement that it is 41 cents in one book and 21 cents in the other: it is $1.21 in both.

Gov. Butler. I suppose that the committee will understand that the entry in that book was not an original entry by Charles Marsh; but that it was entered in this book as one of those that was copied by him into the other book. [To the witness.] Now, I want you to take the case where, in the body, along on the line there was a watch credited, or something else credited and that has been erased—But perhaps I may confuse you in that way. It is suggested I had better let you go through in the order in which you have them, because your memoranda will help you to go faster. Take the next one.

The Witness. "No. 34661. Georgie Blair. $7.10."

Erasure over the figure 7; erasure where the figure 7 is. All I can say is that there appears to be an erasure, and the figure 7 written over the erasure. I cannot, of course, say that there has been some figure there before, but there has been an erasure, and a certain figure now appears where that figure was.

Q. (By Gov. Butler.) I want to ask you what became of her. How did it get into the other book? A. Into the cash-book?

Q. Into this one. A. This has not been transferred, I think; I think not.

Q. What became of her; is she dead? A. "Discharged June 15, 1870. Re-entered and died, September 17, 1872;" and marked paid June 15, 1870. That is the date of the first discharge.

Q. You haven't any history of her, have you? A. No.

Gov. Butler. I think these earlier entries, some of them, were made before the board of state charities instituted this system of histories. I will bring up Mr. Wrightington, who will explain about this more at length, so we shall know more exactly.

The Witness. "Number 34,646, Elizabeth Cassidy, $13; died; no date." Erasure; figure 3 over it. Yes, probably both figures over it.

Gov. Butler. When you get one through I want to put a question.

The Witness. Shall I stop?

Gov. Butler. No; go ahead.

The Witness. "No. 35,810, Pat Cameron, paid June 20, 1871," over an erasure. That is a case where there is no alteration in the figures denoting money. "No. 34,210, Robert Davenport. Paid March 16, 1870, $3.40." Erasure figure 3, dollars; units of dollars over it. Apparently some slight scratching of the date of payment.

Q. Are these erasures skilfully done, sir? A. They are done very nicely, indeed, I think, with one or two exceptions; and apparently with great care.

Gov. Butler. Go on, sir,

The Witness. "No. 35056, Thomas Duane, $7.25." Erasure with the seven — perhaps I had better put it that way —

Gov. Butler. The seven is over the erasure, you mean?

The Witness. The seven is over the erasure. "No. 35,104,

Hannah Donnell." Erasure and $50 over the erasure. "No. 36,446, John Gove —

The CHAIRMAN. The House members think they must retire, and we will adjourn.

Adjourned until Friday, May 4, at 9.30 A. M.

TWENTY-SECOND HEARING.

FRIDAY, May 4.

The committee met in the Green Room at 9.30 A. M., Senator LORING, of Worcester, in the chair.

The CHAIRMAN. All ready, Governor.

LORENZO S. FAIRBANKS (*recalled*).

Direct examination resumed by Gov. Butler.

Q. Now, Mr. Fairbanks, if you will continue. A. The next case is John Gove, No. 36,446. The entry appears here as $4.11; the 4 is over an erasure, and, probably, the tens figure is erased, — or, there is an erasure there.

Q. Is there a place in front of it where the tens might have been? A. Yes, sir; and in this book (the old inmates' book) particularly, these erasures can be seen by holding the paper to the light, in every case, I believe, very distinctly.

GOV. BUTLER. If you will let the chairman look at that with a glass he will see the tens is erased.

Mr. BROWN. You mean what appears to be, not is.

GOV. BUTLER. There is an erasure.

Mr. BROWN. There is no evidence there was ever anything there.

GOV. BUTLER. If you look you will see that right where the ten was there has been a scratching of the paper and, looking through the paper, you will see the erasure.

The WITNESS. This party absconded, May 9, 1871.

Q. (By Mr. BROWN.) What was the date of his entry, do you remember? A. March 8, 1871. Under August 2, 1871, in the cash-book, the entry is $4.00.

Q. Agrees with the other? A. The other is $4.11. The next one is No. 32,768, Robert Kearise; erasure and insertion of 4, — that is my memorandum; I haven't the book before me; the committee has it, — units of dollars.

Q. What are the figures? A. I have not the figures here.

Mr. Brown. The entry there (referring to the book) is "May 18, Robert Kearise, July 8, 1869, $4.40."

The Witness. That is the case of a discharge.

Q. Anything here to show? A. Discharged July 8, on that book, to show. In most of the cases I looked them up in other records. Something erased and "paid, February 13, 1871," inserted.

Q. Where is that? A. To the left of the money column, I think.

Q. Same name? A. Same name; no, that is wrong.

Gov. Butler. You will have to let him have the book in order for him to go on. (Book returned to witness.)

The Witness. No. 34,768. Bridget Kelley: an erasure and a date inserted; no alteration in the money column. Bridget Kelley died November 16, 1872.

Q. (By Gov. Butler.) That is the date inserted there? A. "Paid Feb. 3, 1871."

Q. (By Mr. Brown.) She died when? A. November 16, 1872.

Gov. Butler. Inserted, Paid in 1871.

The Witness. No entry of the death in this book. The case is No. 35,981. Mary Lyman, — the figures partly erased and a pen drawn through the rest, and the name is repeated below under a different date. I don't see any erasure below.

Q. (By Gov. Butler.) The amount? A. This is very badly erased, the upper number, so as to cut clear through the paper. The next case is No. 33,779, Sarah Maxwell: erasure over all the figures, or under them, an erasure of the paper, — I don't know how to express that. — I know there is an erasure and these figures appear there, — that is all I know about them, — $3.75. Apparent erasure where all the figures stand: that is the situation.

Q. Some figures written over an erasure? A. Yes, sir. Died, Feb. 21, 1870; marked, died, without date.

Q. You get the fact of the death from the other records, I suppose? A. Yes, sir: no account in the cash-book of September, 1870.

Q. (By Mr. Brown.) No account of what? A. No account of the entry of that money.

Q. (By Gov. Butler.) At that time were they in the habit of entering up separately each amount? A. In this book, the early book, the entries were made monthly or very nearly that.

Q. To each individual? A. These papers show the number of entries that have been made from this book, and they are about monthly; after that date they were made differently.

Q. You don't get the whole of my question, sir, — and the name of the individual? A. When they are entered individually: that is, when they were entered in that regular form, they were entered individually.

Q. (By Mr. Gilmore.) I don't understand you fully, — after that date? A. After a certain day they were aggregated.

Q. (By Mr. Brown.) And what date is that? A. Running along from 1877, and some time after; and then again he returned to the former system.

Q. (By Gov. Butler.) By the original system of book-keeping, going back, you could tell what was, — at least what was said to be left by each inmate, in the cash-book, but now you can only tell an aggregation? A. That is the case. No. 35,786; Mary Mitchell; some change in the date, alteration, that is all. No. 36,449; Patrick Mallier. There has been some erasure there, and it appears, $21.00. In this case the original record states he had cash, $1.00.

Q. By original record what do you mean, sir? A. I mean by his original history in these history books.

Q. He had one dollar. A. Sometimes money came in afterwards.

Q. (By Mr. Brown.) How do you know that? A. I judge that from Mr. Marsh's entries, and from other things that I see. March, 1875, it is not accounted for at all; I have not seen it anywhere else.

Q. (By Mr. Brown.) Why do you say March, 1871? A. Absconded March, 1871.

Q. Is that entry on the book? A. That is what I find in the record.

Mr. Brown. That is, on the other one.

Gov. Butler. No, in the other books.

The Witness I think it is in the register; I have seen the register.

[The Governor directed that the registers be brought up from his room.]

The Witness. It is inserted here, "absconded," without date, but the date is given somewhere; I found it somewhere.

Q. (By Mr. Brown.) But here is an entry, "March 8." A. That is when he entered; he entered the institution

March 8, 1871. No. 36,590; Susan McClusky. An erasure of one or two figures, dollars, I think, two; it appears $2.25.

Q. (By Gov. Butler.) Are the two figures erased before the three or after it? A. The erasure covers a space that would be occupied by the tens in the column, if written in the ordinary way. Susan McClusky was discharged Jan. 19, 1871, and that does not appear on the cash-book. No. 37,116; Margaret Nolan,—reads here in two places,—$10.00; the name appears twice, in the first, Margaret Nolan $10.00 over an erasure, and the second one of different date.

Mr. Brown. Now, Mr. Chairman and gentlemen, I want to call the attention of this committee to a single word, whether this kind of testimony this committee desires to take its time with. Here is an entry: Margaret Nolan appears twice, one right after the other, one September 18, "Margaret Nolan, died, paid, Sept. 27, 1871, $10.00," and there is an erasure; and, right under it, "December 23, Margaret Dolan, $5.00," and the witness who is on the witness-stand takes pains not to allow this committee to understand whether that is the same person or not. I submit whether this testimony is to go on in this way.

The Witness. If you will allow me time I will identify it.

Mr. Brown. I submit —

Gov. Butler. Wait a moment.

Mr. Brown. I submit that in all the other cases we have had as a starting proposition from this witness the number of the inmate and the record.

The Chairman. I suppose you are to cross-examine the witness as long as you see fit; if he does not develop all the facts in each particular case, you will have a chance to draw it out.

Gov. Butler. Now, there are different dates, and, if I could read (examining the book), I should say one was Nolan and the other was Dolan. However that may be, I think we had better wait till we hear the evidence before we have any explosion. Go on and tell about that case, finish it up.

Mr. Brown. Your witness said he didn't know.

The Chairman. Proceed, Mr. Fairbanks.

The Witness. I said I didn't know but it might be the same person; sometimes a person is discharged and returns again. I made my record here correct.

Mr. Brown. I suggest the propriety of finding out before you make a charge against a man.

The Witness. I have not made any charge; I simply made that remark without any idea of its bearing.

Gov. Butler. It was rather made in favor than against him.

The Witness. I don't intend to testify against anybody or in anybody's favor. I may, perhaps, give something in your favor before I get through. The number is 37,116, the first one; there is some slight discrepancy there; I don't know anything about that, I will read it as it is. This history is in volume 14 of the Tewksbury records. "No. 37,116. Nolan, Margaret, 27, from Boston, Aug. 31, 1871." It is dated here September 18. This book is dated September 18, and in the margin, to identify this, I find the entry, "Sentenced to B. W. H., Sept. 27, 1871, B. S. C."; and on this book is "Margaret Nolan, paid Sept. 27, 1871." "Margaret Nolan, 27, from Boston, August 31, 1871; Dolan, 28; born, Ireland, County Cavan; landed, Boston, July, 1862, ship Jeff Davis; always in Boston." These records are very much abbreviated, and I don't think I understand the abbreviation. Small "M–B Richard Nolan, Sept. 21, 1863, in Boston, he born in Ireland, in A. 15 years; naturalized, Boston, 1857 or 8; paid one or two taxes, no property, no service, 2 children; last lived 85 Salem street; worked in Boston; says no institution before; never arrested or before court; husband intemperate; Mr. Hook, 85 Salem street, has her furniture; has sent her $5.00 and wants her to come home." I found the entry $5.00 belo , and I read it as it was without any comment. "Permit that came with children says parents are drunkards and abandoned them; Mr. Hook would know if they are drunkards."

Q. (By Mr. Brown.) Do they appear to be the same person, or different persons? A. I give the facts as they are; I won't comment unless you wish me to.

Gov. Butler. They appear to me to be the same person, — five sent afterwards.

The Witness. Elnora O'Leary.

(By Gov. Butler.) Number? A. No number, so far as I know. Erasure of units and dollars and the figure 8 written over, reading $8.50.

Q. Where is the erasure, where the ten ought to be? A. In the place of units of dollars.

Q. What happened to her? A. I have no account. No. 32,552, John Reardon, $2.00, — 2 written over an erasure,

marked May 3, 1879, to the left of the money column; no words there excepting Mya3, 1879. I have no other record.

Q. By having none, you mean you can find none in the books? A. I can find none; I have looked, but have not succeeded. No. 34,457, Fannie Smith; erasure and a date inserted. Paid July 15, 1870. She was discharged.

Q. Is the date inserted in the money column? A. When the parties are discharged it don't appear in the cash-book. No. 34,707, Mary Sigworth, reads $14.25, an erasure in place of the 4. That is a case of discharge. No. 34,759, Mattie A. Silver, $5.80, erasure where the 5 stands. Discharged October 7, 1870. Maggie Sullivan,—I haven't the number,—alteration and erasure in place of all the figures, and figures apparently inserted over.

Q. How much is the figure now? A. $5 77. No. 34,326, Mahara A. Wall, an erasure in place of the date. No. 41,360, Jerome Bright, $1.00, all the figures written over an erasure.

Q. You have now finished the first book, — the long book? A. Yes, sir.

Q. This appears to be all in substantially one handwriting, doesn't it? A. No, sir; I believe that is in two handwritings?

Q. This was the book which it was testified was kept by Mr. Moulton,—Mr. Henry Moulton. Now, you will go to a book kept by Charles Marsh, part of it copied from this one? A. No. 42,332, Ellen Burns, $60.00, all, apparently, over an erasure; letter "D" at the right, in red ink, capital D, died July 9, 1874.

Q. When does it appear to be paid? A. It is possible there was a one there in place of a cipher.

Mr. Brown. What I want to call your attention to is whether that was written entirely over the erasure?

Gov. Butler. Ask him; he will know.

The Witness. I want to be perfectly fair about it; I will apply my glass to it.

Q. (By Mr. Brown.) Won't you apply your glass to it now, so as to be able to state whether your statement is correct or not? A. There is an erasure under the 60.

Q. Anything else? A. I think that perhaps the ciphers were not erased; I don't know about that; perhaps they were not.

Q. (By Gov. Butler.) You don't find many erasures in

the cents, do you? A. There are ciphers, but I don't feel certain about them.

Q. Can you trace that entry any further, sir? What became of the woman? A. $60.00 accounted for in the cash-book. Died July 9, 1874; accounted for in September, 1874.

Q. Under the same name? A. The same name. 28,808, Mary Devine; an erasure in the place of the tens figure; it reads $2.00. Died May 2, 1878; accounted for in the cash-book.

Q. At $2.00? A. $2.00. 54,117, Mary Danahey, $1.00, it reads; there is an erasure, and, I think, in the place of tens, the tens of dollars; September 26, 1878.—I don't know whether that is a case of a death or a discharge; accounted for in the cash-book under Sept. 26, $1.00. No. 56,917, Carrie Dolles; there is an erasure, precisely of what it is somewhat difficult to tell, more or less over all the figures; it reads $1.94.

Q. Is she dead? A. Discharged. No. 40,342, John Haynes, $7.40, the 7 written over an erasure. Died April 4, 1873; entry on the right, May 5, 1873; don't say died; nothing but the words May 5, 1873. The next entry following that in the cash-book, relating to that subject, is July, 1873, "Received from the effects of inmates who have died or absconded from Sept. 30, 1872, to June 30, 1873, $105.75, — the one referred to yesterday. No. 40,840, William Huntoon; there is an erasure there, and at least the 4 inserted over the erasure. I am doubtful about the other figures being altered; in that case the history shows that that is the amount he had when he entered the institution, $4.56; discharged. No. 42,045, Nimphus Hatch, $1.00. The 1 over the erasure; red capital "D" at the right; my memorandum is, "Died Oct. 26, 1873."

Q. Is there any date on that book when it was paid? A. Nothing; accounted for Sept 29, 1874, $1.00. 64,405, Minnie Joy, trunk check and keys; an erasure, $5.17 over it; Sept. 30, 1882; died Aug. 27, 1882; accounted for Sept. 30, 1882, $5.17. No. 45,884, Rosa McIntire, $9.75. My note is, "Died April 20, 1875." There is an erasure there; the 9 is either written over it, or made out of a cipher, but I can't tell which; perhaps never altered at all; I don't feel very certain on that. 64,081, Jane McManus, $1.50, Sept. 30, 1882. There is an erasure in the place of the 1; the 1 runs considerably below the line, as if there might have been something attached to it like a 9 or a 7.

Q. How is that accounted for? A. Absconded Feb. 22, 1873.

Q. Does that show an erasure as though the 1 had been made over a 7 or 9? A. Yes, sir.

Q. That is, the 1 is below the line as the tail of a 7 or 9 would be? A. Yes, sir; no separate entry for that in the cash-book. The next entry is in September of 1872.

Q. 1872, Mr. Fairbanks, or 1882? A. That is a mistake, 1872; it should be 1882, — September 30, 1882, — "Cash received of Jane McManus, $1.26."

Q. What is it there? A. $1.50, on the book.

Q. Possibly there is another Jane McManus? A. There is Abby McManus; no Jane. 54,789, Catherine McCann; a figure 6 written over a 3.

Q. Any doubt about that A. No, sir; no erasure whatever; the figure 6 is written over a 3.

Q. (By Mr. Brown.) It was originally $3.00 and now it is $6.00?

A. Yes, sir: discharged Feb. 13, 1879. 40,251. James Ormann; an erasure all through, name and amount: $6.00: April 9, 1873. — discharged April 9, 1873. 48,531. Dennis O'Callahan; erasure; reads, $10.00; Dec. 16, 1880. In the middle of the page there are figures in pencil, 25, 30, 25, footing up 80: then 25; then foots up $7.05: then 50 cents, 50, 50, 50, 50, making $9.05; then 50, making $9.55; and then 45 cents added, making $10.00.

Q. How much is the entry? A. The entry is $10.00. These are payments, if I may be allowed to explain.

Q. (By Gov. Butler.) What did you say, sir? A. The counsel remarked to me that it accumulated; I said, yes, till it amounted to $10.00, and then I remarked that I understood these to be payments. I understood so; that is all I know about it: hearsay evidence.

Q. What became of that woman? A. The entry here is, "Dec. 16, 1880." My note is, "Discharged Aug. 9, 1876," and I am informed the register agrees with that, — "Aug. 9, 1876."

Q. What is the date of payment? A. Dec. 16, 1880.

Q. Gov. Butler. Then the payments went on after she was gone.

Mr. Brown. There is nothing to show that, Governor.

The Witness. Donald Robertson. There is an erasure there

of some kind; it is not very apparent; if anything has been erased it is a tens figure, probably; I don't know; possibly the 8. The original record shows he had less money than that, $2.50.

Q. (By Mr. Brown.) How much? A. $2.50.

Q. This is $8.50,—Donald Robertson? A. "Died Oct. 24, 1877"; accounted for as $8.50.

Q. Six dollars more than he had when he went in there? A. Not exactly; pretty near. 42,996, Maria Sanders; an erasure and 3 inserted, 3.30; discharged March 11, 1874. 38,823, Lydia Sholes. My note is an erasure of something; perhaps we had better pass that; if anything, it is probably something I noticed in regard to the pencil-marks.

Q. What are the pencil-marks? A. The pencil marks are payments.

Q. Well, what are they? A. 14, 14, 21, 14, 14, 06, 06, 12, 10, 10, 10, 22, 10, 10, — and then a line, and underneath that, 14, then 21, 10, 10.

Q. That $14 or 14 cents? O. I don't know anything about it; it is 14 something.

Q. Decimals on the left, aren't they? A. No decimals.

Q. Ciphers on the left? A. Probably means cents.

Q. Isn't that 10, 14, 7, 14, 10, 10, 22, 22? A. The ten on the left of the first figures 14 on the column, that appears to be opposite to that column and don't appear to belong to it; don't know anything about that, whether it is $10.14; they don't appear to belong here.

Q. Won't you read over those entries again? A. Right side up, 1.47, "D" marked over the 1 and "C" over the 47. Then, turning this way, as I read it (across the book), I commence with 14 and 1 will give what is on the left, first, 10 and 7, one above the other; the 10 don't appear to be connected with the 14 which is at the right. Now, beginning at the right hand column, 14, 14, 21, 21, 14, 14, then, without a decimal, after a cipher without a point, 6, 6, 12, 10, 10, 10, 22, 10, 10, and a horizontal line; under it, 14, repeated and written over with a darker pencil, made darker, 21, 10, 10. I don't think the figures in ink have been altered.

Mr. Brown. If there is no erasure there, what is it you are calling our attention to?

Gov. Butler. You will see it in a moment. When we add

those up they come to an accounting sum, and we will, when sitting down to account, make up for a sum —

Mr. Brown. That is, you will do it.

Gov. Butler. Will you allow me, — you asked me.

Mr. Brown. Certainly.

Gov. Butler. It could be very easily made in accounting by going from one figure to the other, but, in practice I should think it would be extremely difficult to make change to get 7, 21, 14, and that would be a very odd sum for a pauper to want, just 7, 14, 21; that is all.

Mr. Brown. I don't know as I know exactly what a pauper would want, whether seven cents or fourteen cents or twenty-one cents; I will admit you are an expert on that subject.

The Witness. The cash-book entry, 1878, September 30, "Received from the estate of Lydia Sholes, $87.84."

Gov. Butler. You have now found out what I mean, haven't you?

Mr. Brown. No, I have not found out; I don't think you understand.

Gov. Butler. Oh, perfectly.

Q. What do you understand, Mr. Fairbanks, that means? A. I understand that means 87.84; that is all I understand about it.

Q. That is, there is that credit? A. That is turned over to the State.

Q. Turned over to the State? A. Turned over to the Commonwealth from the estate of Lydia Sholes.

Q. But you don't understand where it comes from? A. I understand, in the order of business, that that comes from the estate of deceased persons.

Q. You don't find any figures where that $87.00 comes from, do you? A. No, sir; there is no reference whatever.

Q. Now, suppose you call that $10, instead of the way you did read it, don't you think you would come a little nearer to it? A. I don't think anything about it; I don't know anything about it. I know the entries are, "Received from the estates of Cornelius Rafferty, —— Bernard and Lydia Sholes," and opposite Lydia Sholes is 87.84; and I know that, according to the practice I have discovered all through these books, those entries are taken from these books of persons who have died or absconded who had cash in the institution. I know that is the

custom of business; that is all the knowledge I can possibly have about it.

A. (By the CHAIRMAN.) Have you tried any combination of those figures to know if you could get this figure? A. I have not.

GOV. BUTLER. These figures, elsewhere, are payments out, and were claimed by the counsel, till he understood the decimals were on the other side, were cents. I guess we won't go back and insist they were dollars.

Mr BROWN. I should think there was need of more *sense* here; that is why I said it.

GOV. BUTLER. It would be a good plan to wait till the evidence is in before you attempt to explain.

The WITNESS. No. 61,591, $9.20, September 29, 1881: an erasure in the place of the tens figure, and the nine might have been made over a cipher; I am not certain that it was; that is, by putting on a stem, the cipher corresponding in size with the cipher in the other part of the work. The red ink is erased, showing an erasure.

Q. (By GOV. BUTLER.) What became of that person? A. Died January 30, 1881. "September 30, 1881, Sophia Shroeder, $1.20"; accounted for as $1.20. It reads here as $9.20, with an alteration.

GOV. BUTLER. When she died she had $9.20 and the State got $1.20.

The WITNESS. I don't know how much she had.

Mr. BROWN. Well, there is $8 accounted for right on the margin, on your theory; that would only leave $1.20. Give us the whole.

The WITNESS. In pencil?

Q. (By Mr. BROWN.) Difficult to see, is it? A. No; it is not difficult to see. My attention was not called to it. It is on the margin here, in the middle of the page, in pencil, $1, $1, $1, $5; that makes $8. That would leave $1.20.

Mr. BROWN. That is, $8 she had, and that from $9.20 would leave $1.20, just the amount of money accounted for.

The WITNESS. The amount of money stated.

Mr. BROWN. And that pencil-mark, you say, is money disbursed.

GOV. BUTLER. It is put down where it is claimed to be disbursed.

Mr. Brown. I understand the expert to say that that is the theory of his examination; that that is money disbursed.

The Witness. I believe I did not so state that.

Gov. Butler. Our theory is that that was the way the account was made up. The only case where we have heard of money being disbursed is one dollar put down in the case of Ludwig where he asked for two and got two.

Mr. Brown. I beg pardon —

Gov. Butler. What Ludwig said was that Rollins gave him two dollars on an order, and there is only one dollar in the book in pencil.

The Chairman. The records will show.

Gov. Butler. And one dollar out of $3.77 leaves $2.77, which was paid over to him.

Mr. Brown. Then you asked him if he had 15 cents at another time; which he denied. And then you asked him how much he had when he came away, and he said $2.56 or about that.

Gov. Butler. Two dollars and fifty odd cents, he thought.

The Witness. The next is 66312, Reuben Thorne, $5.30; it looks like an erasure before the five; in pencil 50 cents, and two dollars. Died November 25, 1882. No entry made here.

Gov. Butler. The cash-book has not been written up yet.

The Witness. The cash-book is not written up to that point. No entry appears of his death. "No. 37,792, Mary Welsh, $3.00." Some erasure apparent and the 3 stands over it, I think; not very clear. "Absconded, July 8, 1873." The next is "39,901, David Wallace, $5.44, September 29, 1879." Erasure in the place of the tens figure. He was discharged June 17, 1873. In the body are the figures, no dollars, 14 cents, something else, I don't know what; 7 cents, counterfeit half dollar in currency. "No. 40,901, Catherine Willey, $5.00." Erasure over all the figures, I think, or part of them; figures written over. I am inclined to think there has been an erasure of the tens figure. I don't feel very positive about it. In the body is written in pencil $1.05. Died July 7, 1881. Accounted for in the cash-book as $4.95.

Gov. Butler. Out of five dollars?

The Witness. Out of five dollars.

Mr. Wolcott. It ought to be $3.95 instead of $4.95.

The Witness. It is accounted for as $4.95, and in the margin is $1.05.

Gov. BUTLER. Now, won't you look on this book and see what was the entry originally. That is an old case.

The WITNESS. "No. 60285, Richard Burke;" an erasure and September 20, 1882 inserted. My record is, "Discharged September 20, 1882." No erasure.

Gov. BUTLER. Now, will you read the history of Catherine Willey from the registry.

The WITNESS. "No. 40901, Catherine Willey; age, 45; birthplace, Switzerland; from Athol; admitted April 28, 1873; insane;" something in pencil here, written over in ink; date in the register, "August 15, 1878;" in pencil, West Virginia, A. McGregor, $40." Erasure over the one, I should say.

Gov. BUTLER. Which side of the forty?

The WITNESS. On the left of the forty; a portion of the figure remains.

Gov. BUTLER. That makes it read 140?

The WITNESS. That makes it read 140; "Richard"—well, I guess that is not dollars; I must correct that. I called that a dollar mark. It is made like a dollar mark, but I did not read what followed. It is "No. 40," or "No. 140 Richard street." I called that a dollar mark.

Mr. BROWN. Street and number instead of money, that is all.

Gov. BUTLER. Wait a minute; hold still.

Mr. BROWN. Pull down your vest.

The WITNESS. From the death-book: "No. 60,901," — in the original registry it is 40,901, — "date of death, July 17, Catherine Willey, f. w. —"

Gov. BUTLER. Female, white.

The WITNESS. "Unknown; 53 years old; phthisis; residence and place of death; French; occupation, operative; place of birth, Switzerland; names, Catherine and Andrew; birthplace, Switzerland." New register: "No. 60,901, John Balder; age 29; Ireland; from Boston; admitted November 9, 1880; disease or condition, well; discharged November 22, 1880."

Gov. BUTLER. Number 60,901 is dead or alive, according as you read the register.

Mr. BROWN. That is, if it is the same person.

Gov. BUTLER. Oh, it is the same party. You cannot have two persons under one number very well.

Mr. BROWN. You might.

Gov. Butler. We have now gone through the money erasures. Shall we go into another subject? It is the time when we usually adjourn.

The Chairman. We will go on longer to-day, perhaps until twelve o'clock, unless the quorum of the committee is broken.

Gov. Butler. [To the witness.] Then if you will wait a minute before we go into the other matter. [To the committee.] I want to call Mr. Wrightington, in order that the next testimony may be intelligible.

Testimony of S. C. Wrightington (*sworn*).

Direct examination by Gov. Butler.

Q. What is your office, if you have any, under the State? A. Agent of the State Board of Health, Lunacy and Charity; styled superintendent of in-door poor.

Q. How long have you been connected with the board? A. Since its organization.

Q. Were you connected with the former board that was consolidated into that? A. I was general agent of the Board of State Charities from October, 1868, until the organization of this board.

Q. Now, will you tell me, as having charge of the in-door poor, what entry — that would give you charge of the poor in the almshouse? A. Yes, sir.

Q. Now, when you took charge of your office in 1868, did you find any watches belonging to inmates in the custody of your predecessor? A. I found two watches, but where they were from, what institution, I could not say.

Q. Where they were from, or whom they belonged to, you do not know. Did you find any record on the books relating to them? A. No, sir.

Q. Did you get any information where they came from? A. No, sir.

Q. Or to whom they belonged? A. No; nothing in regard to them.

Q. Nothing upon the books of the institution to inform you? And they have remained in your possession ever since? A. They have.

Q. And there is now no record of them? A. There is now no record of them.

Q. Now, then, have you received from Tewksbury any watches since? A. I have not, to remain in my possession.

It is possible I may have had one given to me, and I have handed it to a party who was leaving the State.

Q. That is to say, you would go up there to discharge a party, and the party would say, "Well, I have got a watch here." And it would be handed over to you, and by you it would be handed over to him? A. Yes, sir.

Q. And none has ever been given to you, returned to you from the institution, of those that have absconded or died or been discharged? A. Not any.

Q. When you were not there. And you have no record of any? A. I have no record of any.

Q. Is there any record in your history — we have had some books here where some history has been taken down — is there any record, on your history, of watches? A. I don't think that has been the rule, but there have been cases where that item has been entered in the history.

Q. But there is no rule about its being entered? A. No, sir.

Q. Now, sir, have you received any, and how many bank-books? A. I have received bank-books, from five to seven; I am not certain about the number.

Q. What? A. From five to seven, according to my recollection.

Q. From five to seven bank-books during all these years that you have been in that office? A. Yes, sir.

Q. Is there any record of them? A. Yes, sir.

Q. Well, then, will you produce the record here to-morrow morning? A. Yes, sir.

Q. I suppose those are turned over to public administrators? A. All but one, I think, remains with me, because the parties are still living. One was returned by a public administrator, because the party in whose name the money was deposited had drawn it.

Q. Had what? A. Had drawn it before the administrator presented the bank-book. It was a case of a person absconding from the institution.

Q. It was a case of a person absconding, and they had drawn it before the bank book got to you? A. Yes, sir.

Q. Now, have there been cases of this sort, Mr. Wrightington: You would go up there and an inmate would be discharged or transferred, taken away from the institution with

you, and they would forget their money until they got down on the road, or got away? A. That has occurred, sir.

Q. More than once? A. I could not say how many times, but several times.

Q. And then, when they got down here, or got on the road, they would say: "I have got some money in the institution." And you would send back for it? A. Yes, sir.

Q. In every case? A. In every case, as far as my recollection goes.

Q. And did these people ever tell you — was there ever any dispute about the amount; that is, did you get the amount they told you? A. Always in those cases.

Q. Always they told you the truth and you got the amount that you sent for, for them? A. Yes, sir.

Q. I suppose you sent up and said: A B says he has so much money in the institution, in the almshouse, and I want it, or he wants it. And then the money would come back, according to what you had sent. Now, sir, I want to ask you a little about transfers. I find running all through these registers people transferred — A, B, C, D and E transferred. Those that belonged out of the State were transferred out of the State, that means, don't it? A. We use that term technically; we mean by transfer to take from one institution to another; we use the word transportation to show persons going out of the State.

Q. Do you know how it is done on these registers? Here is the way they stand. [Reads a sample entry.] I don't see any distinction as to where they went to. Now, whether a large number do go out of the State? A. Yes, sir; a very large number.

Q. What proportion should you think went out of the State or were sent out of the State, in your almshouse? A. Ten to fifteen per cent., I should think. Of course that is an estimate.

Q. Now, Mr. Wrightington, suppose these people have money, what account is there in all your accounts about that? A. Not any.

Q. You have seen us here dealing with this money-book, this account of money. Have you ever seen that before? A. Not to my knowledge.

Q. Now here is another, older book — hand me that long book: have you ever seen this before? A. Not to my recollection.

Q. Do you know of any examination, was any investigation

ever had during all these years to see whether these accounts of these poor people, of their money, were correct? A. No, sir; I know of none.

Q. Have you ever heard of any such examination until now? A. I never heard of any other.

Q. Now, sir, did these people who have money — I suppose you send them in batches when you do send them, to save the expense of more than one officer going with them? A. If an officer is to accompany them there are usually three or four or half a dozen to go.

Q. Now, then, I will deal with the money first. Is there any memorandum taken? To whom is the money generally given? A. If they are going in charge of an officer the money would be given in charge of the officer; if they went out without being in charge of an officer the money would be paid to the inmates.

Q. Now, sir, is there any memorandum, receipt, or account given by the officer of how much he has received, to your knowledge? A. I don't recollect of but one case.

Q. One case in twenty years? A. Yes, sir; and that is very lately.

Q. How lately? A. Within six months I should think.

Q. Was it within one month? A. Oh, no.

Q. One case within six months. Now then, when they are delivered are these people that are transferred to other States generally delivered to institutions? A. No, sir; if they are delivered anywhere it would be to the commissioners of immigration in New York or to the local board.

Gov. Butler. I should call them institutions.

The Witness. Well, they are commissions. They are delivered over to the commissioners of immigration, or to the commissioners in New York, or to some other authority, if it is necessary. Of course, nine-tenths of all that go, their friends are able to take care of them when they go there.

Q. Well, whether from those institutions you have any receipt for the money which is sent, returned to you? A. I have not.

Q. Never have had? A. No, sir.

Q. Nor anybody else to your knowledge? A. To my knowledge.

Q. Now, of the persons sent, of the bodies sent, have you any receipt of them? A. I have not.

Q. Let me take a case and see if there is, if there will be, any check upon this abuse. Suppose an officer who is sent with three or four people with a very considerable sum of money. He gets them to New York, and turns them loose, and comes back. Can you know anything about it? A. I should think the chances were very decidedly in favor of my knowing it, because as they are required to be cared for by the authorities at New York, they would call it to my attention.

Q. If they were left in New York. But suppose he left them anywhere else? A. If they were left in the hands of State authorities, or if the poor law charities of a State were called upon to care for them, they would likely communicate with me.

Q. Well, where you send them regularly, and they are regularly put into the institution, you say you get no receipt for them? A. No, sir.

Q. Why should you, where they were left there irregularly, —why should you get a receipt any more than if a person who properly belonged there was properly sent there? A. If a person who belonged there was properly sent there, he would be likely to be received, and I hear nothing about it. If they were improperly sent there my attention would be called to it.

Q. Yes, if they were improperly sent there; but suppose they were put on the Jersey ferry, and went their way, unless they fell into the hands of a place somewhere where they thought they ought to be cared for by the State of Massachusetts, and if they did not belong to the State of Massachusetts, and if they were sent there for that very reason, why they would go where they pleased, and you would not hear of it? You are sending out men that the State of Massachusetts has nothing to do with, and that is the reason you send them out; and, thereupon, for aught any records or receipts, or returns of the officer even, or receipts are concerned, the officer may drop them anywhere on earth, and you know nothing about it? A. I know nothing except what he says, unless they are improperly sent, in which case I should expect to be notified.

Q. I suppose he could not get them very well, unless they were properly sent? A. Well, if he were to send them to some other State, and instead of doing so, should leave them in New York, I should expect to hear from New York.

Q. Why so? A. Because they didn't belong in New York. They would inquire why I sent them there.

Q. But you send a lot of people who do not belong in Massachusetts, and they are dropped in New York. Now, why should New York send to you any more than to the other thirty-seven States when that turned out? A. If they learned they were sent from Massachusetts.

Q. If they learned it. Now do you require any return from the officer so delivering people? — written return, I mean. A. Not any. He gives a verbal account.

Q. He gives a verbal account, and such account as he pleases? Then a large number of people, ten or fifteen per cent. of all our paupers for twenty years, have been sent away, and there is no way of tracing where they are, or where they were left, from your records, is there? A. Well, my record should show where every person had been sent.

Q. But whether they got there? A. That, of course, I cannot tell. The records show where they were sent.

Q. That is, the records show that they would be ordered to be sent to certain places? A. Yes, sir.

Q. But whether they ever got there, or the money they had with them ever got there, your record don't show. A. It shows nothing but that: that they were sent or ordered to be sent to a certain destination, and the destinations are named in the record.

Q. Now, sir, have you ever had any complaint of people being improperly sent? A. Yes, sir.

Q. How considerable complaint? A. Well, not, I should say, very extensive. It has been a question between the authorities of Massachusetts and the authorities of New York as to precisely what classes of cases should be sent.

Q. And that has been sometimes a subject of complaint between the authorities of New York and the authorities of Massachusetts? A. Yes, sir.

Q. But has there ever been any complaint or anything about people who have been sent, but never received? A. I don't call to mind any case.

Q. You don't remember any case. Is there anything on your records to show that — if you should die we should not want to depend on your memory — that would show if any person had been sent and was not received? A. I should say not.

Q. Then, if I understand it, under the operation of the rules under which this portion of our State poor are managed, men can be sent out of the State and nobody know where they go to or

what is done with them? A. We can only show where they are sent.

Q. Ordered. A. Ordered to be sent.

Q. And their money and effects may all be taken from them, and they be turned loose, and no account taken of those? A. My presumption would be that we should hear from the individual if anything of that kind occurred.

Q. Then is there anything more than a presumption in your records? A. That is not a matter of record.

Q. Now, haven't you heard from such cases — where people have complained that they have been dropped and not carried to any institution, and where they have — well, I will stop there and put the other by and by? A. I don't understand the question. If you will pardon me —

Q. Well, a man has been started, ordered into the hands of some officer. Now, has there ever been complaint made to your office from any one of all those people that they were left somewhere without means of support? A. There have been cases where the officer in charge erred in judgment, and should have delivered —

Q. I have no doubt he erred in judgment; but I am not asking about the cause of your officer erring in judgment, but I want to know whether there has been complaint by the individual that he or she was left abroad in the world? A. I don't call to mind where any individual has made a complaint of that kind.

Q. Do you call to mind where anybody ever did for them — any institution, or any body of men or any commission? A. The authorities of New York some four years ago did call my attention to a case that, in my judgment — they called my attention to a case that was not delivered up, that, in their judgment, should have been.

Q. Not delivered up where? A. To the authorities in New York.

Q. The case of one party?. A. Of one party, that would be my recollection.

Q. Any more cases than that? A. I don't recollect of any other case of that character, that they thought should have been delivered up, and was not delivered up.

Q. And that was an error in judgment on the part of the officer, was it? A. Yes, sir.

Q. What did he do in consequence of his error of judgment? A. Nothing was done, except that he was cautioned.

Q. What did the officer do? A. The officer simply took him to New York, and allowed him to leave on the arrival of the boat.

Q. Allowed him to leave without carrying him anywhere? A. Without carrying him anywhere.

Q. Now, haven't there been more cases than one of that description? A. I cannot say. That is a long series of years that I am travelling over.

Q. Well, I will call your attention more directly. Has there not been a case of complaint where paupers have been put by your officers on the Fall River boat without any ticket, and then, of course, they could not get off of the boat, and they would be all astray. A. I never heard of a case of that kind.

Q. Never did? A. No, sir.

Q. Well, there is nothing to prevent an officer taking the money for a ticket, for a fare, taking his paupers and putting them with other like class of men on board the boat, taking their money if he chooses, and then leaving them to go where the boat would carry them, and be dropped where the boat would drop them, is there? A. Well, that is hardly a question that I can answer.

Q. Pardon me; I want to know. It is a question you cannot answer. Is there anything in your requirements, your requirements of receipts or your requirements of returns from the officer, which would prevent that being done and you not know it? A. It could be done and I not know it, unless my attention was called to it by the poor-law authorities or by the individual.

Q. Well, it would not be when the poor fellow was on the boat, of course, because he could not telegraph you. But you see my question: Is there anything in the way your records are kept, or receipts made, receipts required, or returns required to be made, that prevents any common officer, without your knowledge, or without any return being made to you, from taking ten paupers, putting them on board the Fall River boat, pocketing the fare and pocketing their money, and letting them go where that boat would carry them? A. Nothing to prevent it unless, as I say, my attention was called to it by the individual.

Q. But that would be an afterclap, wouldn't it? That would be the individual's making a complaint afterward that he was

dropped in that way? That would be the only thing, and if he didn't you would never know. That is, the management of this institution, if I understand it, is in this way: that men can be taken out of the State and no account kept of them as to where they are actually carried to, or what has become of them? A. My records show where the officer is ordered to take them.

Gov. Butler. You have told me that about six times.

The Witness. Yes, sir.

Gov. Butler. But I am more anxious to get at what was done than what was ordered to be done. There are a great many things in this world that are ordered to be done and are not done. I have had some examples lately. I want to know whether there is any record that this is done or not?

The Witness. I have no means of knowing except the officer's statement.

Q. And that statement is a verbal statement? A. That statement is verbal.

Q. And you have no check upon him if he chooses to make a false statement. A. I have not, excepting through the individual or the authorities.

Q. Now, when the individual complains, the officer may or may not be an officer? A. He may not.

Q. And he is under no bond, no obligation, no oath of office, nothing to do this? A. That is correct.

Q. Now, will you tell me whether you have ever received, excepting in the cases where you have been told by an inmate, "There, I have left some money at Tewksbury," — have you ever received any money from Tewksbury belonging to inmates? A. When I was personally making the transfer or removal I have.

Q. I say, excepting that; with that exception when you are personally making the transfer or removal? A. That is all.

Q. And that, I suppose, is not very often? A. The last four years it has not been often.

Q. Generally those transfers and removals are made by officers. Well, now, we will take the institution and suppose a man, an officer, removes five insane inmates from Tewksbury to Worcester, and they have various sums of money, which are given to the officer. Is there any record required of his bringing back from Worcester hospital a return or receipt that he has delivered his patients and delivered so much money? A. No, sir.

Q. And if he takes those patients anywhere you don't know it unless Worcester complains? A. The report from Worcester would show.

Q. What report? A. They make a weekly report to the office of all the inmates received.

Q. Do you examine them carefully every week to see how they compare? A. Some clerk in the office does, because they are copied.

Q. Well, now, I want to know if you ever in your life made an examination, taking the account received from Worcester and comparing it with the account of inmates from Tewkbury to see if they agreed? A. I think I have done so many times.

Q. When last, to see if a certain man got there? A. I have done so, but I cannot say that I have lately.

Q. Can you say you have done it within seven years? A. Yes, sir.

Q. Five? A. Yes, sir.

Q. Three? A. I should say within a year. That was on some special occasion.

Q. Without some special occasion happening or some complaint made, have you ever made an examination? A. I could not say that; but what I would say is this: that it would sometimes occur that they would be sent to two different institutions and I wanted to be sure which institution the person went to. Then, again, a great many people call at the office to inquire about their friends, and I have to look at the institution books to find out certainly what one the person was in.

Q. What institution books do you look at? A. At the books of the institution to which I supposed they were sent. If I am not certain in regard to that I then look at my transfer book and find out where they are supposed to be sent.

Q. But unless somebody called your attention you have never made examination? A. Unless on some special occasion where I have wanted to know something about my business.

Q. Now, then, we have dealt with the person: have you ever made any examination, or had it in your power to make any examination, as to whether the money got there that was sent? A. No, sir; though I never had any complaint

Q. I am much obliged to you for the information, but that was not what I was asking for. There is no means, you don't require any return. Pardon me, is there any schedule or list or

memorandum of the money sent to Worcester — taking our illustration, — so that they should know how much money was sent, so they could complain if they didn't got it? A. I think there is always a memorandum of that kind.

Q. Who makes it? A. The clerk of the institution from which the parties are sent always makes the memorandum, that is my recollection of it from the days when I did transportation; but I cannot answer for the present.

Q. Let us see. What was that memorandum taken from? A. I don't know. They simply gave a memorandum showing so much money.

Q. Was that memorandum required to be left at the other institution; if so, under what rule? A. I don't think there was any rule in regard to it.

Q. That is, there was a memorandum given to the officer, — so much money? A. Showing him how much money he had.

Q. Now, was he required to deliver that to anybody else? A. Well, I don't know about the requirement; I should suppose he naturally would.

Q. He naturally would if he was an honest man; he naturally would not if he was not. That is the difference, I understand. But now if that institution, under your rules, was the Worcester hospital, has that institution, in the case put, any means of knowing what money should have been received by them along with the insane patient sent? A. I cannot answer that question, for the reason that I don't know just what the relations between the institutions are. I don't know what they send, whether they notify or not.

Q. Pardon me; isn't it your business to know, by your very office? A. Well, I have not supposed it was.

Q. Well, if it is not yours, whose do you suppose it is? A. I don't think I ever gave the matter a thought before.

Q. Never gave it a thought. Then this money has been going backwards and forwards from institution to institution, or not going, as the case may be, and you never have given it a thought up to this time? A. No.

Q. You will think of it heretofore, won't you? A. Very likely.

Q. Then if you have never given it a thought, you have never done anything, of course, by which the matter could be made right or kept right. And it was your business to do it, if anybody's, was it not? A. I should say so.

Q. Well, now, you have got certain supervisors in the shape of the board of state charities, one or two very excellent women and some excellent men; have they ever given it a thought, to your knowledge? A. Not to my knowledge.

Q. Have they ever made any inquiry of you whether you had thought of it or not? A. I should say not.

Q. And this thing has been going on ever since you were on the board? A. Yes, sir.

Q. And is going on up to this hour? A. Yes, sir.

Q. In the same way. Now, have you ever given it a thought, as to whether there should be some account of our citizens or inhabitants who are sent away from the State to know where they go to or whether there should be some check? A. I don't know of any way in which it could be done.

Q. Well, have you ever given it a thought as to any way in which it could be done, up to now? A. I cannot say that I have.

Q. Well, have any of the very estimable men and women, of whom I have before spoken, ever called your attention or asked you about it? A. Not to my recollection.

Q. Has any one of your brother officers, of in-door poor, or out-door poor, or the inspector of all, — I believe you have got a general inspector, have you not? A. An inspector of charities.

Q. Well, this is part charity. You have a general inspector; and has he ever talked with you or suggested, or entered into a discussion with you as to whether it would not be well to find out where these poor people landed? A. I don't think he ever did.

Q. Well, now, there have been complaints from the authorities of New York, and perhaps of other States, that men got sent there wrongfully? A. Yes, sir.

Q. Didn't that suggest to you that you had better ascertain how they got there, when they got there, and have some record of it? A. My records show that they went there precisely in the way stated; but the difficulty would be this: that they ought to be sent there from my standpoint, and they thought they ought not.

Q. Then you had no evidence that they ever had got there except what they said on the other end? A. No, sir; they went alone in most cases.

Q. In most cases they went alone? A. Yes, sir.

Q. And they went alone from here because they wanted to go, and we were not bound to take care of them. And they went away, and went as they pleased, and turned up where they pleased, and the other people thought that was not right? A. Most of the cases were persons who belonged in New York, and I thought my duty ended by passing them to New York, and that the New York authorities ought to pass them along beyond that. They thought differently.

Q. If a man belonged out in Indiana or along there, you thought it was your duty to start him to New York and drop him there, or give him means to get there, and then let New York take him on his way again, and then Ohio, and so on until he fetched up where he belonged? A. That is, if he had been but a short time in Massachusetts.

Q. I mean a case where he hadn't obtained a settlement with us. Therefore, if I understand it, you send or let people go to New York that do not belong to New York, and who have no claim on New York, but who only go there as sort of convict of passage? A. I don't do it because the New York authorities would refuse to forward them.

Q. You used to do it until they stopped? A. Until they refused.

Q. That is, you would pay a man's fare to New York and then let him shift for himself as well as he could? A. Under the statute of Massachusetts it is made obligatory upon a railroad corporation to carry out of the State any passenger who applies for relief within a year after their arrival. Taking that as the sentiment of the State, when they were here without coming over a line of railroad I paid their fare and sent them out.

Q. How far did you pay their fare? A. Out to the line of the State in many instances. That is, where they had been in the State but a year.

Q. And from there they went where they choose? A. Yes, sir.

Q. And as New York is on the general line of travel I suppose you sent most of them to New York? A. New York or Albany.

Q. Now in this case these men would go where they pleased? A. Yes, sir.

Q. Now, have you sent men of that class in charge of an officer that were not expected to be taken charge of by the

authorities of New York, but were to go on still further? A. Yes, sir.

Q. Well, then, all the officer had to do would be when he got out to the line of the State to drop them? A. When he arrived in New York on the steamer he would simply say, You can go. Of course these people were going at their own request.

Q. Undoubtedly they were going at their own request where they pleased; and the officer got them as far as the line of the State, or the end of the route of the steamer in New York, and then he just dropped them. A. He said, You can go where you please.

Q. And the authorities of New York complained of your dropping paupers, importing paupers into that State? A. Yes, sir.

Q. Dropping them in that way. And they took affidavits and showed you, sent you, great numbers of them that had been done in that way? A. Yes, sir.

Q. How many? A. Hundreds.

Mr. Brown. I can't see what this has to do with Tewksbury?

Gov. Butler. Pardon me. I have been down in the lower strata of Tewksbury; I am now in the upper strata. Marsh don't own Tewksbury. I am now with the higher management of Tewksbury.

Mr. Brown. You mean the executive department?

Gov. Butler. No, sir; we are not allowed to have any management in the executive department. They won't allow it even when we offer to pay for it.

Mr. Brown. It is owing to the one-man power.

Gov. Butler. Better have some one have power.

The Chairman. Go on with the examination, Governor.

Gov. Butler. There ought to be somebody to look after these poor creatures.

The Witness. I could not say how many people have been sent.

Q. How many thousands? A. Well, I have no idea.

Q. Ten, twenty, thirty, forty —? A. A great many people have been sent out of the State — fifteen or twenty thousand — but where they went, and how many of this class there were, I cannot give any idea of the number.

Q. Now, in all these years there have been a great many sent out of the State, and where they go to you haven't the

slightest idea? A. The books show, but I cannot tell from my recollection.

Q. Now we will take John Smith and we will say that he wants to leave Tewksbury and go to Kansas. He is a pauper. John Jones and Thomas Brown and half a dozen others want to go to various Western States. You send them with an officer to be dropped at the State line. Now what exactly would your books show about those men? A. If they went to New York, if they were sent to New York, the books would show it.

Q. That they were sent at their own request to New York? A. Yes, sir.

Q. Then anybody looking on your books would naturally go to look for them under New York, although they were going a great ways farther? A. Well, the history would show as to their desire where to go, if they wanted to go to Kansas.

Q. There would be a history of where they wanted to go and then that they were sent to New York. Now I was asking about how many hundred affidavits were taken of people that were dropped in the streets of New York. A. I have no knowledge of how many affidavits were taken.

Q. How many do you know of? A. I should think at the conference, at the meeting of the two boards, some half dozen were read.

Q. There were a great many more had? They read a half dozen and had a pile of them? A. My recollection is not distinct about that. I know it was said there were more and there were some half dozen read.

Q. That was a conference of authorities and the authorities of New York refused to allow that to be done. Now what do you do with them? A. Either send them to their destination or not send them at all.

Q. That is, you pay them through to Kansas? A. We should not send an able-bodied pauper to Kansas.

Q. If you would not send an able-bodied one you would not send a sick one? A. If they had friends to take care of them, as a matter of economy I would say I would send them.

Q. What evidence would you require that they had friends? A. It would usually be in the form of a letter from those friends.

Q. And you would pay their fare there. What precaution would you take that they should go. A. It would be no protection other than buying a ticket, placing it in their hands and

perhaps an officer to go as far as New York or Albany, to see them on their way.

Q. Now, we have been dealing all this time with States only. Do you send people to Ireland and other portions of the world? A. I do.

Q. In the same way? A. Placing them on board a steamer in Boston or New York.

Q. They go. Now do you send any with officers any further than New York? A. No European passengers, excepting occasionally insane people, and then I have done it.

Q. Now what receipt do you require for the delivery of those people? They are going to be expatriated, sent out of the country. A. I don't require any receipt.

Q. No vouchers in any way? A. Except the voucher of the company that the fare has been paid.

Q. And the receipt is that you have the money voucher for the fare paid. Would you send a man to Ireland as a matter of economy? A. Yes, sir; sometimes as a matter of humanity, where the interests of the Commodwealth and of the party would seem to be the same.

Q. How large a number have you sent to Ireland? A. Well, I should think several hundred.

Q. How many to England? A. A very much less number; half or a third.

Q. How many to Germany? A. Very few.

Q. How many to Russia? A. Don't think I ever sent one to Russia. I have no recollection. Still it may have been done.

Q. Well, start them for Russia; I don't mean send them, but start them as far as New York. A. Started them as far as to put them on a steamer, with their fare paid to their destination, wherever it was.

Q. Now, then, I want to know — up at Tewksbury there is a man, able-bodied, but a pauper, and it is for his interest to go to Ireland. What interest has the Commonwealth in sending him? A. Not any, if he is able-bodied.

Q. Have you sent any able-bodied men and paid their fare? A. Not knowingly.

Q. Are you sure of that? Within three months? Within four months? A. I don't recollect of any such case.

Q. Did you send any Russian Jews? A. Yes, sir.

Q. They were able-bodied, weren't they? A. Well, they

were parts of families, in which were children and women. I supposed your question referred to individuals.

Q. Then you send families? A. I send families where the head of it may be able-bodied.

Q. Both heads of it; man and wife? A. Possibly; where there were such a number of children that would naturally lead me to infer they would not be self-supporting.

Q. Well, these children might grow to be self-supporting after awhile? A. Certainly; but they were here receiving aid as paupers, and, in my judgment, the welfare of the people and the interests of the Commonwealth are best served by their removal.

Q. That is, here is an able-bodied father and mother, they have six children, and they come over here, and until they get work they must be paupers if they don't bring anything; and if they want to go back they are returned? A. If, in my judgment, it is for their interest and the interest of the Commonwealth.

Q. And what goes into that judgment concerning the interest of the Commonwealth? Anything more than that you are going to get rid of able-bodied people who have got children? A. Well, it is going to relieve the Commonwealth of supporting these people.

Q. Well, the parents would soon become self-supporting, and the children, — you don't think it is good for the State to have children grow up in it? A. Well, I think it is good for the State to have children grow up in it.

Q. Then why send them out, except that they don't live at Tewksbury; is there any other reason? A. Because the Commonwealth was supporting them, and was legally called upon to support them.

Q. But if the Commonwealth supported them as children, they would grow up and repay the Commonwealth by being laboring men and women? A. Well, all I have got to say is what I have said before; that my judgment is that the interest of the Commonwealth and of the family are best served by so doing. If I am wrong —

Q. That is to say, a man and his wife and some children have escaped from Ireland and find themselves at Tewksbury, because the man cannot get work; and they want to go back again, as perhaps they naturally would from such an institution; and then you send them back to the poverty of Ireland for their

benefit and the benefit of the Commonwealth. A. If I think it a proper thing to do.

Q. Do you think of a case in which it would be the proper thing to do? A. Well, it might be if there was sickness in the family, or if there were a number of young children, and they were homesick, and not likely to do well here,— likely to be supported for any great length of time by the charity of the Commonwealth, I should think it would be wise to pay their fare back.

Q. Now, have you any record whether those people ever got back or got any farther than New York? A. I have got a record that they went on board the steamer.

Q. Any record that they went any further than New York, supposing you send them back by that line? A. I think I sent all those Russian refugees by steamer for Boston.

Q. But leave them out. You send these families to Ireland; put them on board and send them to New York. Is there anything to prevent their being left there? A. If they were going by way of New York an officer would go to New York and put them on board.

Q. Would he get any return from the captain that he had received so many men, women and children? A. Not at all.

Q. Would he get any certificate or return that he even had dropped them on board the steamer? A. No, sir; we should have the company's voucher that the fare was paid.

Q. And these tickets could be sold to anybody else, I suppose, just as well, couldn't they? A. I should presume they might.

Gov. Butler. So should I; we would agree upon that matter.

Mr. Learnard. Mr. Chairman, it is twelve o'clock, and we have some other duties to attend to in the House. I move we adjourn.

Adjourned until Monday, May 7, at 9.30 A. M.

TWENTY-THIRD HEARING.

MONDAY, May 7.

The committee met in the Green Room at 9.30 A.M., Senator GILMORE of Middlesex, in the chair.

The CHAIRMAN. The committee will come to order. A quorum is present and we are ready to proceed.

TESTIMONY OF S. C. WRIGHTINGTON (*resumed*).

Direct examination by Gov. Butler.

Q. Mr. Wrightington, I asked you for the record of the receipt of the several bank-books that you have received from this institution during its existence. You have produced me this list and you have produced these two books [bank-books] which are on the list undated, and these two receipts from the public administrator. They are all on the list, aren't they? A. Yes, sir.

Q. Have you any record on your books of the receipt of the bank-books? A. I have not.

Q. That is, you have no record of when you receive bank-books? A. I have not. I should qualify that by saying that I have no record of bank-books received excepting those of the wards of the State; those I have a record of — I mean the minor wards of the State.

Q. Well, I am asking about the receipt of bank-books of paupers at the State almshouse. A. I say I have no record of the receipt of bank-books of paupers at the State almshouse.

Gov. BUTLER. The other matters of the office I am not now inquiring about.

Q. And these are all. One of Eliza Kelley, alias Griffin, $20, October 27, 1875; another of Ann Malone, $495, I should read it. $495.65, September 8, 1877, and one of Margaret Manning, $198, June 8, 1882; and the other is Thomas Dalton, bank-book for $965.43 and $9 added, is it not? A. Yes, sir.

Gov. BUTLER. Nine dollars, another deposit.

Mr. Brown. That is interest.

Gov. Butler. April interest, 1874. On the top of it is T. S. A. H. — State almshouse I suppose — 43,488 in pencil. Is there any entry on your books of when this was received? A. No entry at all. I know when it was received but I have no entry.

Q. When was it received? A. April, 1875.

Q. There is no entry about it. What has become of Thomas Dalton? A. He absconded from the almshouse.

Q. August 8, 1874; and has not been seen since? A. Not to my knowledge.

Q. Very well. He has still to his credit something over $1,000. So they don't all come there very poor. Now we have another one here; a New Bedford institution for savings. Margaret Consandine; book commencing in 1857. There is no evidence here — eighteen — what is that?

Mr. Brown. Eighteen hundred and sixty-eight.

Q. Eighteen hundred and sixty-eight, sometime, but it is not added up. Margaret Consandine, apparently 15,596. That, I guess, is the bank number. I don't see anything on this to identify it, where it came from. Do you know whose handwriting that is? I found it in this envelope. A. I do not.

Gov. Butler. Admitted from H. L. A. —

Witness. N. L. H. — Northampton.

Gov. Butler. I find Margaret Fogle down here; that is the same one — September 20, 1871; 37,220; that looks like the Tewksbury number — "Margaret Fogle. bank-book." Then you have given us all the record you have and all the receipts you have and all the books you have? A. I have not given all the receipts of money collected on account of inmates at Tewksbury.

Q. No, no; all the receipts for bank-books. A. All for bank-books, as far as I recollect.

Q. I am dealing with bank-books now. Well, now, how does this appear on your books?—Eliza McKenney —. A. It is part of the schedule that goes to the treasurer.

Q. Then all you find is that it is part of the schedule that goes to the treasurer, $20. Where do you take that amount from when you make up that amount to the treasurer? A. From a memorandum book.

Q. Will you tell me why some account of this has not been kept on your books somewhere, any account of these moneys

and bank-books? I mean, opening some account with somebody? A. Well, it never occurred to me that it would be necessary. Whenever the money came into my hands I paid it to the treasurer and gave him a schedule stating the exact amount in such cases, copying the schedule into a book.

Q. Did you give it to him the same day it came? A. I give it to him once a month. All received in one month is paid to him the second month.

Q. It don't remain a matter of account at all on your books, except the account which we have here. "Eliza A. Kenney, T. A. H." — Tewksbury almshouse — "$20." That might come from any other source as far as your accounts go, might it not? A. Yes, sir.

Q. And if you were unfortunately to die we should never be able to know that Eliza Kenney's bank-book was accounted for, should we? A. Any other clerk in the office should know it.

Q. Well, suppose they should die; and then they might possibly get turned out or resign — but that is a very improbable supposition — then should we know? Well now, then, here is an institution which has been running with more or less bank-books in it since 1858, I think, under the Marsh administration, and we are now in the year of grace 1883, and of that there are by date accounted for three bank-books, two which are still in existence — no, two which are still in existence, and that is all. Do you know anything about where the rest of them are, the rest of the books up there? A. I know nothing except those that are named in that list.

Q. Have you ever investigated to find out where the rest of them were? A. I have not.

Q. Do you know anybody that has? A. I do not.

Q. It would be your duty if anybody's, wouldn't it? A. I should think it belonged to the trustees rather than to me.

Q. Well, very good; have the trustees ever made any communication to you, by or large, little or great, on this subject until — ? A. They have not.

Q. Now, a single other question. When you transfer people — ah, before I go to that, have there been any notifications or advertisements, or anything to call the attention of these absconding people or their heirs to the fact that there is remaining in the hands of the State board of trustees very considerable sums of money so that they might call for them? A. In the

case of one of these bank-books, the woman, Margaret Fogle, is still in the institution; and in the case of Dalton, he absconded before I got the bank-book.

Q. Oh, thank you; then of these two, Margaret Fogle is still there, and her bank-book is with you. A. Yes, sir.

Q. Well, now, in the case of Margaret Fogle, do you know how much there is of it? There was $90.49 in 1873, and if Margaret Fogle is still there — do you find it? A. Yes, sir.

Q. Then they do return to you bank-books sometimes when the inmate is still there? In this case it seems to have been referred to you. [Referring to the cash-book.] No. 37220 appears on the cash-book, "Margaret Fogle, Bk. bk., six."

Mr. Brown. No. 37220 is the number of the inmate.

Gov. Butler. "No. 37220, Margaret Fogle, Bk. bk.," as if she had two bank-books, "six" in the dollar column, and she is still there.

Mr. Brown. I don't understand about the two bank-books. You said Bk., bk. Does that mean two books?

Gov. Butler. Really, I don't know.

Mr. Brown. I should think one Bk. would mean bank, and the other bk. would mean book.

Gov. Butler. But then they would not put the period between in that case.

Mr. Brown. I should think if they abbreviated it, it would be the proper thing to do.

Gov. Butler. Very well. However it may be, whether one or more than one, that stands unchallenged. [To Mr. Fairbanks.] Do you find the other one, the absconding one?

Mr. Fairbanks. I have looked for two Margaret Consandines

Gov. Butler. I think Consandine is always Margaret Fogle. Now, there is one I asked you to look for, Thomas Dalton, 43488; I am not certain about the number.

Mr. Brown. Fogle is probably an alias, for here is a reference, "brother Michael Consandine, New Bedford Copper Works, alias Fogle."

Gov. Butler. It is Margaret Fogle or Fugle.

Q. (By Gov. Butler.) Then the bank-books of all the inmates living and dead that have been returned to you, we have here? A. According to the best of my recollection.

Q. According to the best of your recollection, the best of your memoranda, and the best of your keeping what is given to you? A. Yes, sir.

Mr. FAIRBANKS. The name of Thomas Dalton is not on the cash-book.

Gov. BUTLER. Now, won't you look at the ledger, Mr. Brown, for Thomas Dalton.

Mr. BROWN. Do you mean the ledger or the index?

Gov. BUTLER. I mean the register. What is Thomas Dalton's entry?

Mr. FAIRBANKS. "Absconded August 8, 1874." No entry on the cash-book.

Gov. BUTLER. Now, on the cash-book there is no entry of it.

Mr. FAIRBANKS. No entry.

Gov. BUTLER. Look and make certain, sir, because he left a very fair balance.

Mr. FAIRBANKS. I think we are certain, we have both looked it over.

Gov. BUTLER. You think you are certain you don't find an entry of bank-book on the cash-book.

Mr. FAIRBANKS. Nothing. No entry of the name.

Gov. BUTLER. Mr. Brown, will you let Mr. Thomas Marsh make up a list of inmates from the seventh of April to the first of May inclusive?

Mr. BROWN. This year?

Gov. BUTLER. During the time when he had his books brought in.

Mr. BROWN. Certainly.

Gov. BUTLER. And give the numbers?

Mr. BROWN. You don't mean those admitted, but all those who have been in the institution from the first of April to the first of May.

Gov. BUTLER. No, we have that; we don't want that. We took his register on the seventh of April. Now he has had to keep it on other memoranda. We want to know who has gone in and who has come out only from April 7, 1883, until the first day of May 1883, inclusive.

Mr. BROWN. Yes, sir.

Gov. BUTLER. Then we can ascertain whether the register has been kept accurately; if it has he shall have the benefit of it. From April 7th to May 1st, both inclusive.

Q. (By Gov. BUTLER to Mr. WRIGHTINGTON.) Now, I want to ask you this, Mr. Wrightington: assuming that Patrick O'Flaherty was sent to Ireland, what record have you of where

he has gone to? A. I have a transportation book in which is entered the name of each person that I remove from the institution, where they are to be sent, and the date.

Q. Well, now suppose a man is sent to Ireland, you put down where he is sent to, that he is sent to Ireland, and, I suppose, with the amount of money paid for his passage somewhere? A. That appears on the journal.

Q. On the journal? A. Yes, sir.

Q. If he is sent simply to New York, and no further, that would show? A. That would show that he was sent to New York.

Q. And that he was not going any further, as far as your institution was concerned? A. No, sir.

Q. Well, now we will say that Robert Burns was sent to Scotland. Would that appear? A. It certainly should do, I suppose it would.

Q. I mean according to your methods of keeping books? A. Yes, sir.

Q. And the amount paid for him? A. The amount paid for him would not show on the transportation book.

Q. It would show on some book? A. On some book.

Q. Let me take this case of Robert Burns. Robert Burns has come here from Scotland and we find him here. What occasion is there for sending him to New York if he don't belong to New York any more than he does here? A. There has always been an arrangement between New York and Massachusetts, that passengers landing at either of the ports and falling into distress in the other, — as, for instance, a person landin New York and falling into distress in Massachusetts within five years from the time of landing would be returned to New York; and the same would be true if he landed in Boston and fell into distress in New York.

Q. Well, suppose a man landed in Boston and fell into distress here, and he was from Scotland — I take that illustration for convenience — would there be any occasion to send him to New York? A. No, sir; well, it might possibly be that he had some near relative in New York that would help him about business.

Q. Would that appear on your books as a reason for sending him? A. It should do.

Gov. Butler. I believe I shall not have to trouble you any further.

Cross-examination by Mr. Brown.

Q. Mr. Wrightington, have you got a ledger? A. Yes, sir.

Q. Where is it? A. It is in the office.

Q. Will you send down and get it? [Ledger sent for.] That ledger is a regular ledger account kept in what way, with whom? A. Double entry; ordinary double entry.

Q. With whom? whose names appear on that ledger? A. The names of various towns and cities of Massachusetts who pay in money, and the names of individuals who pay in money.

Q. Well, for instance, suppose you received from the Tewksbury almshouse $20, or the account of some property belonging to a deceased inmate, would that appear upon your journal and ledger? A. It should do.

Q. Well, doesn't it? A. I presume so; but I don't keep it.

Q. That is a part of your system of book-keeping? A. Yes, sir.

Q. That money so received shall be entered upon your journal or cash-book and then posted into the ledger and then when the inmate dies paid over to the public administrator.

Gov. Butler. Posted to whom?

Mr. Brown. Posted to the credit of the party.

Q. (By Mr. Brown.) There is an account opened with Eliza Kenney, bank-book, $20? A. It is possible that in some cases the account may be with the public administrator, but the name of the party would be mentioned all the same.

Q. Well, take this account here where the receipt is shown from H. Burr Crandall, public administrator. A. No money has been received on those. Those are simply bank-books, and not money received.

Q. You have no record of that except the receipt? A. Except the receipt.

Q. Supposing that had been cash instead of a bank-book showing a deposit? A. It would have been entered upon the journal of course, and from that to the ledger.

Q. It would have been entered upon the journal to Margaret, whatever her name was — Kimball, alias Campbell — it would have been to her credit? A. Yes, sir.

Q. And then when you paid that money to Mr. Crandall —

Gov. Butler. The public administrator would collect it and pay it to him.

Mr. Brown. I am supposing it is money.

The Witness. I don't pay any money to a public administrator; I pay it to the treasurer of the Commonwealth.

Q. You would charge it to her account? A. It would first appear on my books to her debit, to the credit of the Commonwealth; when it was paid it would be entered to her credit and to the debit of cash; when it was paid into the treasury it would be entered to the credit of cash, and to the debit of the Commonwealth.

Q. And that is the case with every sum of money that is received from Tewksbury or any other institution with which you have to do? A. That is true in every case.

Q. Let me see. When did you say you first went into your office? A. Present office?

Q. Yes, sir. A. July, 1879.

Q. And prior to that you were what? A. General agent of the state charities.

Q. That was the board that had been organized for several years? A. Since 1863.

Q. [Ledger produced.] And this is your ledger? A. Yes, sir. It is in the handwriting of Mr. Hanson.

Q. And from 1863, down to July 1879, you were as you said, the agent of the board of charities? A. From 1868 to 1879.

Q. And from 1879 to the present time you have had charge of the in-door poor? A. Yes, sir.

Q. Now during all this period, has it been a part of your duty to keep an account of this kind? A. To see that it is kept.

Q. Now from that time down to the present time, have you ever had any complaint that any person who had been in Tewksbury and left money there had not received the money which had been left there? A. I have occasionally taken persons from Tewksbury — and my officers say the same — where through some neglect, the money was not received.

Q. That is, received by whom? A. By the officer or by the inmate on discharge; but the attention of the authorities being called to it, the money was paid.

Q. Well, now, have you ever had any complaint in regard to the amount? Has there ever been made to your office during the period that you have had charge of this set of books, or any

other set of books for this purpose, any complaint that any inmate did not receive the amount to which he or she was entitled? A. Never to me, I think.

Q. Have you ever known any such complaint made at your office? A. Never at my office.

Q. Now take the matter of bank-books, have you ever had any complaint that any bank-book left at the institution at Tewksbury was not properly accounted for at your office, or reported to your office? A. I recollect no case.

Q. And that you mean shall apply to the entire period from 1868 to the present time? A. To the best of my recollection.

Q. Now have you any means Mr. Wrightington, by which you can tell when that bank-book of Thomas Dalton was received? A. By recollection; I cannot tell you any other way. It was received in April, 1875

Q. Now I notice on this bank-book, Mr. Wrightington, these words: "T. A. H., 43,488." I suppose that means Tewksbury almshouse? A. Yes, sir.

Mr. Brown. That is probably the number of the inmate, because I find upon the register, page 79, the same.

Gov. Butler. I saw it.

Mr. Brown. [Reading.] "Thomas Dalton; age 28; birthplace, Ireland; from Boston;" no record of the State he came from, or the vessel or railroad, no other record until the time of admission which is put down as April 28, "St. Vitus dance," under the head of disease or condition; the next entry is, "Absconded, August 4, 1874; no relatives." So that during the period from August 8, 1874 down to April, 1875, you don't know where that bank-book was? A. I do not.

Q. Now do you know whether that bank-book, during that period was in the hands of any officers of the institution? A. I do not.

Q. Never heard anything about that? A. Never heard anything about it.

Q. Don't know where it was? A. I do not.

Q. And you have no reason to know that it was or was not at Tewksbury? A. I know I received it from Tewksbury.

Q. But you don't know whether during that period it was there during any considerable part of the time? A. I do not.

Mr. Brown. Mr. Fairbanks, I believe you said that didn't appear on the cash-book?

Mr. Fairbanks. On the inmates' cash-book.

Gov. Butler. No, he said the name didn't appear on the cash-book at all.

Mr. Brown. There is no evidence that he had any money there.

Q. Now, did you ever know an instance where an inmate of the Tewksbury almshouse had $974.00 to his credit in an institution for savings, except this? A. Yes, sir.

Q. Do you recollect any other case? If you do, please give it to me. A. I recollect the case of Mary Manning; she had a bank-book for some twelve hundred or thirteen hundred dollars.

Gov. Butler. Look up Mary Manning, will you there?

Q. (By Mr. Brown.) In these cases, Mr. Wrightington, is it usual that you find these books concealed somewhere, or how is it? How do they come to go to the institution with this amount of money? A. Well, the sending of a person to the institution is the work of the city or town officials, and not the work of the State officials; and all valuables of any kind are taken from them and placed in the safe because it is not deemed safe for the person to keep them in his possession; when they leave the institution the property should, of course, be returned to them.

Q. Is this sometimes the case, that a man for purposes of his own gets into a public institution, concealing the fact that he has any property, and sometime during his stay it is discovered? A. Often.

Q. Now, I notice in this book there is a mark in coarse pencil, June 7; do you know what that means, Mr. Wrightington? A. June 27. I don't know whose handwriting it is in. This is the only record I make of it.

Q. How soon after you received this in April, 1875, did you turn it over to Mr. Crandall? A. I don't know.

Q. But you know that when it was turned over, Mr. Crandall made application at the bank and found that the money had been drawn? A. He so reported to me.

Q. Now, this bank-book of Margaret Fogle or Fugle — you say she is still in the institution? A. Yes, sir.

Q. Therefore there has been no occasion to make any disposition of this book? A. No, sir.

Q. A single question more, Mr. Wrightington. I notice the governor asked you a question and you said these were the only bank-books, and he asked you what became of the others. Has any evidence ever been brought to your attention that

there ever were any others? A. No, sir; not to my recollection.

Q. And you never had any reason to believe but what those you produce and have are all that have been received? A. I don't know anything about it.

Q. (By Gov. Butler.) Now, Mr. Wrightington, here is the way the account is stated. Here is Catherine Malone in the journal, under date of July 31, and then there seems to have been a great many transactions brought up at the end of the month. She is credited, or charged as the case may be: "Estate of Ann Malone for support of self at asylum for insane, $405.65." Just the amount of her bank-book. Then she is credited here, Ann Malone — the Commonwealth is credited or debited with $405.65 —

The Witness. Credited.

Gov. Butler. And the money is paid over. That is, you found an insane woman's bank-book and you settled with her for her support by charging the whole amount of the bank-book, and taking the whole amount. Undoubtedly it cost more, but that is the way it was done? A. Yes, sir.

Q. Did any one superintend that account for the insane woman? A. The bank-book was placed in the hands of a public administrator, and I presume everything is correct; I don't know.

Q. Pardon me, she was dead. She was supported as an insane woman, she was dead, and that was the settlement of her estate? A. So far as we knew she had no relatives, and that was the settlement of her estate.

Gov. Butler. The other bank-book is settled in the same way. Is Deacon Carver here?

Testimony of John Carver (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name?. A. John Carver.

Q. And you live in Weymouth? A. In Braintree.

Q. And you have lived there how long? A. Nearly forty years.

Q. Some time ago, and you will state how long ago, was there an infant left on your door-step? A. There was, ten years ago last February.

Q. And you knew nothing about who left it there? A. No, sir.

Q. Was it carefully wrapped up — February, in cold weather — was it carefully wrapped up? A. It was.

Q. In what, sir? A. It was placed in a box, one of those coffee boxes which would hold about sixty pounds. I saw the mark on the box.

Q. How was it wrapped up? A. Well, it was clothed as babies generally are clothed, and then on the outside was a heavy thick shawl.

Q. Such as men wear? A. I think it was such as men used to wear — around the outside.

Q. One of those large heavy shawls that men wore outside? A. Yes, sir.

Q. Apparently a new one? A. It seemed to be right out of the shop.

Q. And was the inside clothing of the baby sufficient and proper? A. Yes, sir; and a bottle left with it, partly full of milk.

Q. Did you take it in? A. Yes, sir.

Q. Had children of your own, didn't you? A. Yes, sir.

Q. Did you carry it to Tewksbury? A. I did, after about five weeks. I tried all around to get some one to adopt it, and I could not get any one; and I applied to the board of overseers of the poor, and he told me he would write to the chairman of the board of state charities. So we hung on to it and tried to get some one to care for it; but finally we had to carry it to Tewksbury. He sent us. Me and my wife went with it.

Q. You and your wife took it up to Tewksbury? A. Yes, sir.

Q. Now, you had that child in your care for five weeks. Was it a healthy child? A. It appeared to be; I saw nothing to the contrary.

Q. A male child, or a female child? A. A male child.

Q. A healthy boy. You carried it up to Tewksbury and delivered it there? A. Yes, sir.

Q. Did it take any injury while going? A. Not as we know of. We wrapped it up in this big shawl and took as good care of it as we could.

Q. And your wife took care of it? A. Well, I carried it most of the way.

Q. And you delivered it at Tewksbury, to whom? A. We carried it to the reception-room there, and I informed the clerk what my business was.

Q. Which of the clerks? See if that is the man right there? [Pointing to Charles B. Marsh.] A. I recognize him now; I think it is the same man.

Q. You saw the clerk in the reception-room? A. Yes, sir.

Q. Won't you state the conversation between yourself, your wife and the clerk about the boy? A. I told him that we would like to keep track of the infant; that we were in hopes of getting a chance some time before a great while for somebody to adopt him. He told me, gave me to understand, that the children that were brought there without any mothers seldom lived. So he gave me to understand that we should not see him again, for they did not live, children that had no mothers.

Q. Well, what did you do with it then, or what was done with it? A. Then I told him how we had fed him, — he seemed to be thriving well, — what proportion of milk and water he could bear. He said they didn't want any advice from outside; that they had matrons of their own, and they went according to their own judgment, or something to that effect.

Q. What was done then? A. They sent a woman down for the child, and my wife asked the privilege of accompanying the child to its place where it was going to stay, and she went; they gave her the opportunity.

Q. You didn't go, I suppose? A. No, sir.

Q. Well, your wife came back and you started for home? A. Yes, sir.

Q. And without stating what it was did your wife tell you what she saw? A. Yes, sir; after we left the institution she told me —

Q. Never mind, she will tell us about that. And then you began to talk it over together, I suppose; about leaving it there. A. Yes, sir.

Q. What conclusion did you come to? A. We concluded that if we wanted to save the child we had better get it back again.

Q. Well, did you. How soon did you go for it? A. Well, we made up our minds the next morning, but we didn't conclude early enough to hit the trains north of Boston, so we left it until the next morning.

Q. That is, you left it the same as to-night and thought you would go back the same as to-morrow morning? A. We left it just before dinner, sir.

Q. And you thought you would go for it the next morning,

but something happened that you could not catch the train, and you went the morning following? A. Yes, sir.

Q. Did you get it? A. Yes, sir.

Q. What condition was it in when you got it? A. We found that there was a marked change in the child. It was very sick.

Q. How did it show its sickness? A. By its looks and its vomiting all the time, nearly. That is, it had vomited so that when they brought it down they stripped off his red jacket and rolled it up and brought it down separately.

Q. Vomited over its clothes? A. So that they thought it was not fit to bring down, I suppose.

Q. That would show on the jacket, but not on the white clothing; so they rolled up the jacket and brought that down with it. And you say it was very sick? A. A very sick child.

Q. What else did they bring with it? A. They brought nothing but what babies usually have. We had a little thin shawl that we kept it in all the time; they brought that down with the same bottle partly filled with milk.

Q. The same bottle that you left there partly filled with milk? A. Yes, sir.

Q. What became of the big shawl, the nice one that was just out of the shop? A. Well, we inquired for that but could not get it; there was no one who knew anything about it. I went to the superintendent's office and told him we could not take the child away because the weather was cold and we had nothing to wrap it up in. I asked for the shawl, or something similar, and there was no one knew anything about it, and we could not get it.

Q. What did he do? He fixed you up with something, I suppose? A. I told him we could not get anything nearer than Lowell — we were going home that way — it was not prudent to take the child away. And he told one of the matrons to hunt up something, and she brought out a thin shawl that was just taken off of a little girl that came from Westfield, and we came home with that.

Q. When you got your baby home did it still continue to be sick? A. It was very sick. It was very sick all the way, and for three weeks we did not expect it would live from one day to the other.

Q. Well, what effect did kind care and nursing have upon it? A. It finally recovered and is alive now.

Q. In good health and strength? A. Yes, sir.

Q. Still a member of your family? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. I didn't understand where you came from? A. From Braintree, south of Boston, here.

Q. And your name is what? A. John Carver.

Q. And you say you are a deacon? A. I never said so, sir.

Mr. Brown. I understood the governor to call you deacon. Are you a deacon? The governor is in the habit of deaconing people sometimes when they are not entitled to it.

Gov. Butler. Wait a moment; don't hurry, Mr. Brown. Go on, Mr. Carver. He asked you if you were a deacon?

The Witness. Well, I suppose I am; yes, sir.

Mr. Brown. Then that is all right.

The Witness I didn't say I was a deacon, though.

Gov. Butler. The governor is not in the habit of calling people deacons when they are not.

Mr. Brown. I have noticed you did, once or twice.

Gov. Butler. No, I have not.

Mr. Brown. I didn't know but it was a habit.

Gov. Butler. No, it is not.

Q. (By Mr. Brown.) Deacon of what church? A. North Braintree.

Q. What denomination? Congregationalist.

Q. Who preaches at that church? A. Mr. Emerson.

Q. What is his full name? A. Thomas A. Emerson.

Q. When was this? A. It was the winter of 1873.

Q. Did the child have any name when you left it at Tewksbury? A. The clerk told us he would have to name it, and we named it.

Q. What did you name it? A. We didn't know what to call it; but finally we called it, — it was left the night before Valentine Day, — so we concluded to call it Elias Valentine, I think. I think it was Elias Valentine we concluded to call it.

Q. And why Elias? A. I don't know, any more than we wanted a name, and we had nothing very particular to call it, because we didn't want to name it.

Q. Elias Valentine. What is the child named now? A. Edward Everett Stephen Carver.

Q. You say it was a male child? A. Yes, sir.

Q. And you left it there at Tewksbury, when? A. It was the last of March; I don't remember the day.

Q. Well, as near as you can? A. I should think it must have been somewhere near the twenty-fifth.

Q. Was it not on the nineteenth? A. I could not say for a certainty, because I did not keep any record of the matter.

Q. It was there two days, and you took it back on the twenty-first, didn't you? A. We took it back the second day after we left it.

Q. Well, you don't know, — you don't recollect now when it was left at your house, or when Elias came? A. It was left on the thirteenth of February.

Gov. Butler. The day before Valentine's Day.

Q. (By Mr. Brown.) In the night? A. It was in the evening.

Q. Did you weigh the child after you got it? A. We weighed it soon after, I think.

Q. How soon after? A. Well, I don't remember. It was a small child. I think it was only a week or so after we got it.

Q. Well, who was present when it was weighed? A. Well, there was the family there, — my family, and my wife, — and I don't know who; I don't remember.

Q. Did you make any memorandum of the weight of the child? A. Not at all, sir.

Q. How much did it weigh? A. I think it weighed somewhere between five and six pounds.

Q. Between five and six? A. Between five and six.

Q. And it was two months old? A. No, sir; we didn't calculate it was more than three weeks.

Q. Didn't you state at the institution when you left it that the child was two months old? A. Yes, sir; but we kept it near five weeks.

Q. So that when it was left at your house you think it was three weeks old? A. Yes; that is what the women folks around, and the neighbors, thought.

Q. And it weighed between five and six pounds, and was a male child? A. Yes, sir.

Q. Certain about that? A. Yes, sir.

Q. Very well; what did it weigh when you took it to Tewksbury? A. Well, it weighed about nine pounds.

Q. Did you weigh it? A. We weighed it before we went there.

Q. How long before you went there? A. I could not say just how long; but just a few days before we went; the child was a thriving one.

Q. It weighed between eight and nine pounds? A. Somewheres nearly nine pounds, if I remember right.

Q. That is to say, you had kept it how many weeks? A. Not far from five weeks.

Q. Not far from five weeks; and it had gained three pounds? A. Yes, sir.

Q. So that when it was delivered at Tewksbury, according to your recollection — and you remember, because you weighed it — it weighed a little less than nine pounds? A. I could not say positively as far as the ounces are concerned, but it was somewheres between eight and nine pounds, if I remember right.

Q. You don't remember the ounces when it was brought to your house? Never made any memorandum of the weight at the time you took it to Tewksbury? A. No, sir, not at all.

Q. Never made any memorandum when it was received back from Tewksbury? A. Not until a week or fortnight afterwards.

Q. What did it weigh then? A. Well, the child went down —

Q. Never mind about going down; tell me what it weighed? A. It got back to about what it was when it was first left on our door-step.

Q. That is to say, when it had been back at your house for how long? A. A week or so.

Q. Then you weighed it and it weighed between five and six pounds? A. Yes, sir.

Q. Did you make any memorandum of that weight? A. Not at all.

Q. Who was present when you weighed it then? A. I could not say, any more than my wife and the rest of the family. I didn't make any memorandum, I didn't suppose there was any need of it.

Q. What is the complexion of the child? A. It is light.

Q. Do you know who the father or the mother was? A. I never knew.

Q. Never found out? A. No, sir.

Q. Do you know the reason why your door-step was selected

as the proper depository for that child? A. Know nothing about it, sir.

Q. That is, unless because you were a good deacon of a Congregational church and they thought the child would be well received? A. I was not a deacon at that time, sir.

Q. (By Gov. Butler.) You say the Rev. Mr. Emerson is your pastor? A. Yes, sir.

Q. I want to see if I can locate him. What is his full name? A. Thomas A. Emerson.

Q. Oh, is he the man that preached a sermon against me that was published in the "Advertiser?" A. I never saw anything of that kind.

Q. Did you hear the sermon? A. No, sir.

Q. If you will pardon me, — before the election two years ago? A. Oh, yes; I did hear it.

Q. (By Mr. Brown.) You thought it was true, didn't you?

Gov. Butler. I have not quite turned him over to you.

Mr. Brown. I want you to know what I am going to ask him when you do.

Gov. Butler. I don't think it is a proper question. I only want to find out if this is a matter got up by my particular friends, that is all, if it is necessary to go into that. I am willing to inquire, sir, whether after that sermon you didn't vote for me last year? A. I didn't go to election last year, the first time for thirty or forty years.

Q. (By Mr. Brown.) Now I will ask you, if when you knew the governor was a candidate you didn't stay away from the polls? A. Not on that account.

Q. Now, I will ask my other question. You had no reason to doubt but what that sermon was true, had you, deacon? A. I didn't think very highly of the sermon, I must confess.

Gov. Butler. Want any more?

Mr. Brown. Yes, I might ask him another. Don't you wish he would preach it again?

The Chairman. I think we are getting a little away from the subject.

Testimony of Mrs. John Carver (*sworn*).

Direct examination by Gov. Butler.

Q. Your husband has just been testifying, hasn't he? A. Yes, sir; he has.

Q. You have got now the boy in your family that you have

heard your husband name, Edward Everett Stephen Carver, about ten years old? A. Yes, sir.

Q. Does the boy know that your husband and you are not his parents? A. Well, the scholars at school have kind of told him, but I don't know whether he really thinks so or not.

Q. If the scholars at school haven't told him, you never have let him know? A. No, sir; we never have.

Q. You took the child in? The child was taken in? What sort of clothing had it on? I mean the clothing under the shawl, now? A. Well, it had two skirts, white flannel skirts, and a night dress, a white night dress.

Q. Did it have a jacket? A. No, it had not.

Q. Any outside coverings? A. Two shawls.

Q. Well, did you take it in and care for it? A. Yes; but I thought I could not take care of it. I had a large family of my own to see to, and I didn't know how I could take care of it.

Q. Did you try to get somebody to adopt it? A. We did.

Q. Failing in that, madam — but before we go to that, how did the child thrive in your hands? You had it there about five weeks? A. Well, it did nicely. It seemed like a well and healthy child.

Q. Now, then, you came to the conclusion that if nobody would take care of it you couldn't any longer, and you and your husband took it to Tewksbury, did you? A. We did.

Q. Wrapped up. Did you take all the things with it that it had? A. Yes, sir; everything.

Q. Had it an outside shawl? A. Yes, sir; a large outside shawl.

Q. Such as gentlemen wear? A. Yes, sir.

Q. Or used to wear? A. Yes, sir.

Q. A good thick woollen shawl? A. Yes, sir.

Q. Now, you took it up to Tewksbury. Were you in the office when it was left there? A. I was. I went up with the lady who carried it up, and I saw —

Q. Stop a moment. I mean were you in the office where the clerk was? A. I was.

Q. What was said about the child there? A. Well, it was the same as my husband said; I don't know as I could say anything different.

Q. Now, then, did you ask permission to go into the place where the child was to go to? A. I did.

Q. You went in with the lady who took it? A. Yes, sir.

Q. Won't you describe, as well as you can, what you saw there? A. Well, I went there and I saw two or three children there; they looked pretty poor and sickly as though they would not stand it but a short time; but the beds in the room were all clean.

Q. Did you look at the children pretty carefully? A. I did.

Q. Did you find out what was the matter with them? A. I did not. I did not ask any questions.

Q. You didn't ask any questions, but they all looked pretty much alike as to being sickly? A. Yes, sir; they did.

Q. Well the rooms looked clean and the beds looked clean, but the children were poor and sickly? A. Yes, sir. And I saw two there that I should judge were three or four years old, and they were dressed well, and they were clean.

Q. Now, then, after you came out, going home did you tell your husband what you saw? A. I did.

Q. Well, after you told him what you saw, about the condition of the infant children there, did you come to the conclusion to go and get yours back again? A. Well, he seemed to want it; and he said if I would let the child come back he would provide help to help take care of it, and I consented.

Q. And thereupon you went the next day but one after it? A. Yes; forty-eight hours I think it was there.

Q. Did you go into the room where it was again? A. I did not. I went into the reception-room.

Q. Was the child brought down? A. It was.

Q. What was its condition when it came? A. Well, it was a very sick child after we got it home. It vomited all the way. As soon as it took anything it would throw it right up. It could not keep anything on its stomach.

Q. Did they bring back the clothes? A. All except the shawl.

Q. The bottle of milk came with it? A. Yes, sir.

Q. Could you tell whether it had been refilled, or whether it was the same bottle? A. Well, it was the same that I took there; it was not full.

Q. What? The bottle was not full of milk; there was milk in it.

Q. Now, then; was there any inquiry made about the shawl?

A. Yes, there was. We wanted the same shawl, because it was warm for the child to wear home. It was a good shawl.

[Recess for five minutes.]

Q. Could they find the shawl or hear anything about it? A. Could not hear anything about it; nobody knew anything about it.

Q. Was this in the office where Charles Marsh was — where the clerk was? A. Yes, sir.

Q. When the inquiry was made for the shawl, did Charles Marsh say, "Why, I checked that shawl, and it was put right away when it came here?" Did he say anything of that sort? A. Well, I did not go up where the child was.

Q. No, but in the office, did Charles Marsh say that? A. He came in and asked me what kind of a shawl it was that the child wore when it came; and I told him it was a large shawl, a double shawl.

Q. What did he say: "Oh, yes"? A. He could not find anything about it.

Q. Well, could you take the child in safety in that weather without the shawl? A. No; I could not.

Q. Was application made then to the old gentlemen for something? A. Yes, sir.

Q. What did he give you? A. He gave me one that came off of another child that was carried there that day.

Q. Gave you another shawl instead of that. What sort of a shawl was that? A. It was a little small-checked shawl; it was not nearly as heavy as the one we carried there.

Q. And you took the child home? A. We did.

Q. And it was a very sick child. And you nursed it and took care of it, I hope? A. I did.

Q. And had it fallen away any during that forty-eight hours? A. It fell away considerably; it was very poor until it began to get better.

Q. And do you remember whether you weighed it when it first came to you? A. We did, sir; we weighed it every week for a spell.

Q. And the child is now an ordinarily healthy, well child? A. Yes, sir; he is a very pretty boy, as bright as a dollar.

Cross-examination by Mr. Brown.

Q. Mrs. Carver, how many children have you? A. I have five.

Q. How many have you had in all? A. Six, with this little boy.

Q. And this makes the seventh? A. No; six with this little boy.

Q. Five children of your own? A. Yes, sir.

Q. And those children you have raised yourself? A. Yes, sir; I have brought them up.

Q. Always gave them your own care when they were babies? A. Well, they nursed the bottle. I think children will do just as well on the bottle as they will at the breast.

Q. If the milk is proper? A. Yes, sir.

Q. Have you ever had any experience like this, Mrs. Carver: when your children were babies, they were so delicate that you had to give them the milk from one particular cow? A. We always did.

Q. Always did? A. Yes, sir.

Q. And haven't you observed this, Mrs. Carver; that if you should change from one cow to another cow, the same child, that it would produce a bad effect? A. Well, it does, sometimes. It is owing to the child's constitution, I suppose.

Q. If a child is delicate or if a child has not a good sound stomach and vigorous digestion, the change of food from one cow's milk to another cow's milk will frequently cause the child to vomit, won't it, and produce sickness of the stomach? A. Well, I don't think it would.

Q. What has been the effect that you have observed in changing the milk of cows, on young children? A. Well, after my children were so old we were not so particular about it.

Q. This, you recollect, was a little boy? A. Well, we gave it one cow's milk.

Q. You always gave it one cow's milk? A. Yes, sir.

Q. While it was with you — you kept it five weeks before you took it to Tewksbury? A. Yes, sir.

Q. And you were particular in selecting that cow, were you not? A. Yes, he and me always did the milking.

Q. And you always milked from one particular cow for that little boy? A. Yes, sir.

Q. And won't you tell me what is the effect that you have

observed on your children when you have changed from one cow's milk to another cow's milk; that is, when they were babies? A. Well, it never seemed to have much effect upon them. My children, when they were teething, were always slim, all of them.

Q. You say not much effect; but what was the effect that you observed? A. Well, it was a little like changing their bowels a little.

Q. Diarrhœa? A. Yes, sir.

Q. Sometimes vomiting? A. No, they never vomited.

Q. You have had experience with children besides your own? A. No, sir; only this one.

Q. You have seen your neighbors' children and you would talk over with the ladies in your neighborhood about this business, I suppose? And if not, you have learned by experience that it is a very difficult thing, sometimes, to change a cow's milk for a child? A. Well, it never had as much effect on them as it did on this one.

Q. You never noticed the marked effect that you did in this case? A. No, sir.

Q. Now, you say that this child, when it come to you was about — A. A fortnight or three weeks old.

Gov. Butler. She had not said anything about it.

Q. But you say now that that was the fact, and it weighed between five and six pounds? A. I don't think it weighed more than five; it might have weighed a little more than five.

Q. Well, call it five to six. Now I want you to tell me what your little babies weighed when they were about three weeks old? A. Well, they did not weigh much more than that; I don't think any of them weighed more than six pounds.

Q. What, when they were five to six months old?

Gov. Butler. Not five to six, but two or three.

The Witness. My children were very small.

Q. You have ten pounders down in that neighborhood, don't you? A. I don't know. There may be some.

Q. An eight-pounder is a common occurrence down in Braintree, is it not, within your knowledge, Mrs. Carver? A. Well, there are some.

Q. You considered your children pretty small, you say; and you considered this a very small child for its age when it was brought to your house? A. Yes, it was a small child.

Q. Was it fat and round? A. Well, it was a plump baby.

Q. A plump baby, and only weighed about five pounds? A. Between five and six; that was all it weighed.

Q. Then you had it five weeks and you weighed it every week; can you recollect the weight at any of the times when you weighed it, or saw it weighed? A. Well, it gained a little over a pound a week. He is a small boy now. He is small boned. He is a very small featured child.

Q. Now you took the child to Tewksbury and you and your husband went up there together. Why not go separately? A. Well, he wanted my company, and he didn't like to go alone.

Q. Was not this the fact, Mrs. Carver, that you both of you became attached to that little boy? A. Yes, sir.

Q. And there didn't either of you want to leave it, and you both went up to Tewksbury to see where you were going to leave it, and under what circumstances? A. I wanted to see where it was going to be left.

Q. You felt a deep interest in the child? A. Yes, sir.

Q. And you went to Tewksbury, you and he both, because you loved the child and wanted to know where it was going to be left? A. Yes, sir.

Q. And you wanted to see how it was going to be cared for. A. Yes, sir.

Q. That is what you went there for? A. Yes, sir. If it had remained there and lived, I should have gone and seen it right along.

Q. Now you went into the hospital up there, and you say that some lady there showed you around the hospital where this child was to be put. Do you recollect who the lady was? A. No.

Q. You cannot remember her name? A. No.

Q. Do you remember what sort of a looking lady she was?

A. She was the one that had care of the children, I suppose.

Q. And you went into the ward where there were mothers and children? A. No; simply children.

Q. And there were some little babies there, were there not? A. Yes, sir.

Q. And there were some children three years old? A. Yes; there were two that were between three and four, I think.

Q. And those, according to your recollection were the oldest

in that ward? A. Yes; I went up on the second floor. I don't know what was on the first floor.

Q. Now confine yourself to this ward where you left this baby. You say you saw three sickly children? A. Yes, sir; very sickly.

Q. Do you know what was the matter with them? A. I do not.

Q. Did you find out? A. No.

Q. You saw some other children there besides the three sickly ones, didn't you? A. Yes, sir; two.

Gov. BUTLER. Those two were the elder ones.

Q. What time in the day was it when you went into that ward to have that little baby? A. I should think it could not be far from eleven.

Q. Did you see any children about there nibbling crackers and frolicking about? A. No, I did not.

Q. Were you informed that they had an eleven o'clock lunch there for those little children? A. No.

Q. And you say that there were only five children in that ward? A. Oh, I don't know how many there were there. I only saw three little ones; they lay on the bed.

Q. Three little sickly ones. How many well children did you see? A. Two.

Q. Was that all? A. That was all.

Q. Only five children in the ward? A. I don't know how many there were in the ward.

Q. Did you see more than five? A. No.

Q. Didn't see more than five? A. No; I did not.

Q. Did you look about? A. Yes; I cast my eye over the room.

Q. And only saw five children? A. Yes. Perhaps there were more sick in bed that I did not see.

Q. Were these two well ones? A. They looked well and healthy.

Q. Round and plump? A. Yes, sir.

Q. Playing about? A. No, they were not playing; they were looking around.

Q. They appeared to be well-fed and comfortably clothed? A. Yes, sir.

Q. And that was in the winter? A. Yes, sir.

Q. The room was warm and comfortable? A. Yes, sir.

Q. And tidy? A. Yes, sir.

Q. The floor looked nice and clean in every way? A. Yes, sir.

Q. The bedding looked good? A. Yes.

Q. And you felt pretty happy to get that little baby of yours into that place, didn't you? A. Well, I don't know. I asked them to take good care of it: I didn't know how good care they would take of it; I could not say.

Q. And when you came away you left your heart there with that baby; and there was not an hour in the day for the next forty-eight hours that you were not thinking about it? A. I was thinking of it all the time.

Q. And your husband wanted that baby? How old was your youngest child at that time? A. I guess thirteen or fourteen.

Q. Your youngest child was thirteen or fourteen at that time. And you wanted that baby, didn't you? A. Well, I cared for the baby, but still I didn't know how to take care of it.

Q. And you finally compromised the matter with your husband. He said he would do the best he could, and finally your heart went back to that baby, and you could not leave it, and you went after it. Was not that it? A. Yes, sir.

Q. You never saw any indication while at Tewksbury the first time that that baby would not receive good treatment, did you? A. Well, I didn't know whether it would or not. I saw three little sickly ones. I didn't know whether it would be cared for or not.

Q. You didn't know what was the occasion of the three little babies being sick, did you? You didn't know whether it was inherited disease or something they had taken at the hospital, or what it was, did you? A. Well, I guess they hadn't been taken pretty good care of; that is my opinion.

Q. What makes you think so? A. Because they would not have been so poor.

Q. Would not have been so poor? A. No; they were very poor.

Q. Do you mean to say that babies that are very well taken care of are always fat? A. Well, I never saw any that were not if they had plenty of food and that which is good.

Q. Did you ever see a baby born with an hereditary disease upon it? A. No; I never did.

Q. Never did? A. No.

Q. Were you aware of the fact that a large percentage of the babies who go to Tewksbury have hereditary syphilis and other hereditary diseases upon them? Did you ever hear of that fact? Did you ever know of that fact? A. No.

Gov. Butler. Nor anybody else.

Q. You didn't inquire why those babies looked sickly, did you? A. No; I didn't ask any questions.

Q. Now, I want you to tell me all the symptons of that baby of yours when you took it away from Tewksbury. How did it appear? What was the trouble? It had diarrhœa, you say. A. Well, it vomited all the way home. If you gave it any milk it would not stay on its stomach. After we got home we shifted the milk and gave it everything different; and it stopped vomiting in two or three days; but it was a very sick child for two or three days.

Gov. Butler. Did you understand her to say that it had the diarrhœa?

The Witness. No; I didn't say it had the diarrhœa.

Q. I asked you if it had? A. No.

Q. It simply vomited? A. It vomited.

Q. Now, did you shift back to the same cow's milk that the baby had before it went to Tewksbury? A. I could not say as to that.

Q. You don't remember about that? A. No; it was so long ago.

Q. Well, see if you cannot refresh your recollection. See if you didn't know that might make some difference, and if you didn't find out what cow that was that the child had been fed from? A. Well, I brought my children up on the bottle, and when they had a kind of diarrhœa I always used to scald the milk.

Q. Did you scald the milk for this child after you got it back? A. Yes; it could not keep more than a teaspoonful on its stomach.

Q. No, because its stomach was weak.

Gov. Butler. Pardon me. That might not be?

Mr. Brown. What might not be?

Gov. Butler. Its stomach might not be weak.

Mr. Brown. Possibly.

Q. Well, was its stomach weak? A. Not before we carried it off.

Q. But after it came back? A. Yes, it was.

Q. And that is the reason why it could not retain more than a teaspoonful? A. Yes, sir.

Q. Did you have the doctor for it after it came back from Tewksbury? A. No; but he used to go up and see the doctor.

Q. Your husband told him how the child was? A. Yes, sir.

Q. And the doctor prescribed for it? A. Yes, he gave him some, — well I cannot think now.

Q. Well, he gave him something, and the child got better? A slender boy now, is he? A. No.

Q. In good health now? A. Yes. He is a very pretty boy.

Q. Now, tell me, Mrs. Carver: I can understand why you should name the boy Edward Everett, but where does the Stephen come in? A. Well, I can tell you. He had a brother that died and his name was Stephen.

Q. That is, your husband had a brother? A. Yes, sir.

Q. That is why the boy was named Edward Everett Stephen Carver? A. Yes, sir.

Q. When did the brother die? A. When he was small.

Q. Now, you have never been to Tewksbury since? A. No, sir.

Q. And never had been there before? A. No.

Q. Don't know the name of any person you saw there except Mr. Charles Marsh? A. No, sir.

Gov. Butler. She don't remember his name, I suppose. She has not said she did.

Q. Do you remember any person whom you saw at Tewksbury while you were there? A. Well, I saw Mr. Marsh.

Q. The book-keeper? A. Yes, sir.

Q. A young man? A. Yes, sir.

Q. Is this the young man here? A. I should think it was.

Q Now, anybody else did you see? A. Well, his father came into the receiving-room.

Q. Anybody else besides the father and son? A. That was all I saw.

Q. You cannot remember the name of any woman that you saw? A. No. I never knew her name.

Q. You don't remember the name of the person who showed you about the wards where the children were? A. No.

(By Gov. Butler.) A single word, please. How long before the child began to mend after you go it? A. Two or three months.

Q. After that did it pick up? A. Yes, sir.

Q. For how long did you weigh it after that? A. Well, it was so poor that we didn't weight it until it got to have a little flesh on it. It was very poor.

Q. What did it weigh when you got a little flesh on it? A. Well, I could not tell.

TESTIMONY OF CHARLES JOHNSON (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Johnson, some time previous to the 14th of June, 1881, did you have the misfortune to lose any limbs? A. Yes. I lost my limbs up in Worcester.

Q. Both limbs? A. Yes, sir.

Q. You lost both legs. Where were you treated for it? A. I were treated for it at Worcester, in the first place. Afterwards I go to Boston and I get into the City Hospital there, and I stop there for three weeks. They told me they could keep me no longer, and told me to send me up to Tewksbury.

Q. Whereabouts were your legs amputated? A. Amputated just below the calves, half-way between the knee and the ankle.

Q. I will ask you how you came to lose your limbs. A. I was crossing the track of the Worcester & Nashua Railroad, going home to my dinner, and got struck by the cars. Didn't notice they were coming. There was a snow-storm.

Q. Now, then, after the amputation was over did your limbs heal? A. Yes, sir.

Q. Where did you go then? They said they could not keep you any longer. A. I go to Tewksbury. They told me I had to keep quiet, and not walk around much, and they could not keep me any longer for I had no money. And the house doctor in the hospital told me, "I will find you a place where you will get just as good treatment as you get here, and good doctors."

Q. And he recommended Tewksbury? A. Yes, sir.

Q. And accordingly you went there? A. Yes, sir.

Q. How much money did you take there with you? A. I had $20.90.

Q. What else? A. My watch.

Q. And that was on the 14th of June, 1881? A. Yes, sir.

Q. Twenty dollars and how many cents? A. Ninety.

Q. Had you a watch? A. Yes, sir.

Q. Very well, how much did you take up while you were there? A. I took up $8.90.

Q. Sure about that? A. Yes, sir.

Q. When you got there was your money in a pocket-book? A. Yes, sir.

Q. Whom did you give your pocket-book and watch to? A. I gave it to Charles Marsh, down at the gate-house.

Q. Did he take the money out of the pocket-book? A. Yes, sir.

Q. Did he return the pocket-book to you? A. Yes, sir.

Q. Then you should have had $12 left when you went away? A. Yes, sir.

Q. Any doubt about these amounts? Any doubt about these amount of money? Any doubt in your own mind that these are the true amounts? A. Yes. I put it down on a piece of paper every time I drew anything. I put it on a piece of paper.

Q. When did you leave? A. I left — it was the 12th of February, 1882.

Q. February or January? A. February.

Q. February? A. Yes, sir.

Q. Well, did you get the rest of your money when you left? A. No, sir; I didn't call for it.

Q. You left it there? A. I didn't know if I was going to stop or not. I asked Mr. Wrightington for a pass to Boston, and he gave me a pass, and I went to Massachusetts General Hospital to undergo a reamputation, and I could not get in because they don't have any bed.

Q. You got a pass to go to Boston, to go into the Massachusetts General Hospital. For what cause? A. Because one of my stumps broke out again. I got inflammation into it.

Q. Did you get into the Massachusetts General Hospital? A. No, sir; I could not?

Q. Where did you go? A. I go to No. 8 Hamilton Place, Fisk and Arnold's, and they told me I could stop a little while and go to work for them. Then, after I go out, I go into the city hospital and had reamputation.

Q. Then did you send for your money? A. I went up there next May, 1882.

Q. Did you get your watch? Did you leave your watch, too? A. Yes, sir.

Q. You went up next May. Tell me how much money you got? A. I got $8 and my watch.

Q. And you should have had $12? A. Yes, sir.

Q. Did you tell Mr. Marsh so? A. Yes, sir.

Q. What did he say to that? A. He told me that was all right; that was all I had.

Q. And you took it and came away? A. Yes, sir; because I had to hurry up and get down to get the train. It was four o'clock, and the team was going down to the depot. I had to hurry up to get a ride to the depot.

Q. You had to hurry up to get there. Did you tell him that was not enough. A. I told him I should have more than that.

Q. He said you would have to take that. Now, then, let us see about another matter, about your legs wanting reamputating. When, about, was your leg amputated in the first place? A. In the first place, it was the third of February, 1881 — no, 1880, I mean.

Q. Now, will you tell me whether you could wear at that time — whether, when you went to Tewksbury, you could wear an artificial leg as you do now. A. I commenced to wear them the 25th of July, 1880.

Q. And when you went to Tewksbury could you still continue to wear them? A. No, sir; I were told to take them off and keep them off, and I went on my knees there five months. Last October I just crawled around on my knees.

Q. You were told to take them off and keep them off? A. Yes, sir.

Q. Now, when you went around, how did you go? A. I crawled around on my knees.

Q. Anybody help you? A. No, sir.

Q. Now, where did you go to, the place where you went to your dinner? A. First I came there they kept me in the hospital; what they called the old men's ward; half of it the hospital and half of it the old men's ward. I was kept there during the summer. Come the fall of the year the doctor turned me off and put another man in my bed. I was turned off and was an outside patient in ward 21.

Q. Now, then, where did you go to get your dinner? A. Well, I had to go up in the hall; what they called the dining-hall was up in the main building.

Q. Did you do that during the winter? A. Yes, sir.

Q. How did you get through the snow? A. Crawled through it. Some days I could not wear my artificial limbs; put them on and wear them a day or two, and then I had to take them off again.

Q. And you had to go with your stumps in the snow? A. Yes, sir.

Q. And then your stumps broke out again, did they, one of them? A. One of them broke out. Of course I tried to wear them. Of course I had to get wet going to my dinner, and my pants got wet away up to my crotch; and I tried to wear my artificial limb. One of my stumps broke out. I got cold and got inflammation into it, and it swelled up so I could not get my leg on. I went into the dispensary and he told me to put on a poultice. I asked him if there were inflammation in it, and he said, "Just a little." And he said: "I soon stop it." And he told me to go into the hospital and get a poultice, two of them. I had to go out and go down to ward 21 again, and by the time I got down the poultice was cold.

Q. You still went on your knees? A. Yes, sir.

Q. Anybody help you? A. No, sir.

Q. And then did your leg get worse? A. Yes, sir.

Q. And it got so bad that you came away? A. Yes, sir. That is what I left for, to have reamputation.

Q. Did your leg get amputated again? A. Yes, sir.

Q. One or both of them? A. Both of them. One at a time. I had one the last time; the last one last fall.

Q. That is, you would have one amputated and then the other? A. Yes, sir. I got one amputated in the spring, and another one in the fall.

Q. Where did you use to work? A. In Washburn & Moen's factory, at Worcester. I stopped there three years.

Cross-examination by Mr. Brown.

Q. How old are you, Mr. Johnson? A. Thirty-six, sir.

Q. Where were you born? A. Sweden.

Q. When was it that you lost your legs? A. In 1880.

Q. And you were a blacksmith, were you not? A. Yes, sir.

Q. And you worked in Worcester, at this place you have spoken of? A. At Washburn's & Moen's.

Q. You had been in the hospital at Worcester, and also in the city hospital at Boston, before you went to Tewksbury? A. Yes, sir.

Q. And you went to Tewksbury on the 14th day of June, 1881, did you not? A. Yes, sir.

Q. Now, when did you say you came away from Tewksbury? A. In 1882.

Q. What day? A. February 12 —

Q. The 12th of February, 1882? A. I mean January.

Q. Are you sure of that? A. Yes, sir.

Q. Didn't you stay there until the 29th of April, 1882? A. No, sir.

Q. You did not? A. No, sir.

Q. Sure of it? A. Yes, sir.

Q. Where were you in April, 1882? A. Right up in Hamilton Place, No. 8.

Q. What did you do in April,—April, 1882? A. In April, 1882, I went to the city hospital.

Q. You were in the city hospital in April, 1882? A. Yes, sir.

Q. When did you go to the city hospital? A. The 9th of March.

Q. The 9th of March, 1882? A. Yes, sir; and I left the city hospital the third of May.

Q. And from the 9th of March until the 3d of May you were in the city hospital in Boston? A. Yes, sir.

Q. And from the time you left Tewksbury until the 9th of March, where were you? A. At No. 8 Hamilton Place, working for Fisk & Arnold.

Gov. Butler. What is his register number, Mr. Brown?

Mr. Brown. Number 62179.

Gov. Butler. Number 63179.

Mr. Brown. Do you find it?

Gov. Butler. Yes, sir. [Reads.] "34; Sweden; lost both feet; blacksmith; April 29, 1882; no relatives."

Q. (By Mr. Brown.) How much money do you say you received when you finally left Tewksbury? A. I received eight dollars when I got paid up.

Q. Eight dollars? A. Yes, sir; no more.

Q. How much did you receive when you finally left Tewksbury? Did you receive more than eight dollars? A. I received eight dollars.

Q. Didn't you receive eight dollars and ninety-two cents? A. No, I received eight dollars in an envelope, and my watch.

Q. And your watch? A. Yes, sir.

Q. Didn't you receive your chain? A. Yes, sir.

Q. And your clothing? A. I didn't have any clothing; I had that all with me.

Q. You always wore your clothes? A. I always wore my clothes; I could not get anything else.

Q. Whether or not this was the fact, that from the time you first went — you first went out of Tewksbury on a sort of leave, did you not, to see if you could stand it? You were not finally discharged until later? A. Well, I went out of there in 1882, on the 12th of February. I wanted to get into the Massachusetts General Hospital to get a reamputation; I didn't want to stop up there any longer.

Q. Now, did you ever send to Mr. Charles Marsh for any money, or did you always go yourself? A. I sent an order once up to him; the first money I drew, I sent an order up to him.

Q. How much was that order for? A. Half a dollar.

Q. Is that order in writing? A. He brought it down to me afterwards.

Q. Was the order in writing? A. Yes, sir; written with a lead pencil.

Q. Whom did you send it by? A. I sent it by — I think it was Mr. Smith.

Q. Was he one of the nurses? A. He was one of the nurses.

Q. Was he an old man? A. Yes, sir.

Q. What was his full name? A. I don't know.

Q. Did you ever send any other orders? A. No, sir; I always went myself after that.

Q. When was it that you received the next fifty cents? A. I could not tell the day of the week, because I had an account of it on a piece of paper, and finally when I would be up there to get my money, I dropped it.

Q. In other words, all the time you were in this hospital, at this almshouse, you had this $20.90 and a watch down in the hands of Mr. Marsh. From time to time you drew small amounts of money, and you always kept the amount which you drew on a piece of paper? A. Yes, sir.

Q. With pencil? A. Yes, sir.

Q. When you came finally to settle there was a difference of $4.90 between you and Mr. Charles Marsh? A. Yes, sir.

Q. And then you went and destroyed the piece of paper on which you kept that record, did you? A. Yes, sir.

Q. Why did you destroy it? A. That is more than I know, sir. I don't know why I destroyed it.

Q. Well, sir, if Mr. Charles Marsh had $4.90 that belonged to you, and you had a record of what money you had drawn, why didn't you keep that record and try to adjust the account? A. I told him. I told him my account when I came up there to get my money.

Q. (By Gov. Butler.) Did you show it? A. No, I didn't, because I don't have it. I said: "I come up here now to get my money and get discharged." He told me, "You are already discharged," and he say, "When you going?" Said I, "I going next train. When the team going down?" He said about four o'clock, I think it was. He said, "I get your money ready by that time and give it to you down at the gate-house." I asked him to go up into the main hospital to see a friend of mine, and he said, "Yes, sir." And at the time he gave me the money down at the gate-house, I found it eight dollars, and my watch and chain.

Q. (By Mr. Brown.) Then after you got your money it was that you went up to visit this friend in the hospital? A. No, sir.

Q. Before that? A. I got my money afterwards.

Q. The last thing before you got into the carriage to go to the train? A. Yes, sir.

Q. Did you tell anybody at Tewksbury that you hadn't got the whole of your money into $4.90? A. No, sir, I could not.

Q. When was the first time you told anybody? A. As soon as I got back to Fisk & Arnold's.

Q. Fisk and who? A. Fisk & Arnold.

Q. You told them there was a difference in your account? A. Yes, sir.

Q. Did you show Fisk & Arnold this memorandum? A. No, sir.

Q. Did you have that memorandum in your possession when you talked with Fisk & Arnold? A. No, it was destroyed, that was. It was destroyed before I go up to draw my money.

Q. It was destroyed before you went to draw your money. Then you didn't show that to Mr. Charles Marsh? A. I say I didn't show it. I told him. He asked me what I had when I came and I told him.

Q. Now let us see. When you went to Tewksbury on the

14th of June, 1881, were you able to walk about in any way with your artificial limbs, or crutches, or in any way? A. Yes, sir, I had my artificial limbs on when I came there; and I had one crutch and a cane. And I was sent in, down to the male hospital, to have a bath; and I stopped there over night and they changed me from that hospital to the old men's ward. The next day I had to put my legs on for to go in there. As soon as I got there I took my legs off and I gave them to the nurse, Mr. Smith, and I told him to take care of them.

Q. Now were these artificial legs always within your reach so that you could use them if you wanted to? A. No, sir; he had them locked in a closet. Any time I wanted them I could ask for them and get them.

Q. Were you in the habit of going out doors without your artificial limbs when it was not meal-time? A. Yes, sir; I was outside in the yard there.

Q. You went out in the yard without your artificial limbs when you were not going to your meals. How frequently would you do that? A. I would be obliged to go out to the water-closet.

Q. But you were not obliged to go out doors to get to the water-closet? A. Yes, I was.

Q. Did you go out around the conservatory without your artificial limbs? A. I had to go to the water-closet. We had a water-closet inside for the night, but they kept it locked and you couldn't get into it in the daytime.

Q. Did you go out for any other purpose; for pleasure? A. Well, if it were a fine day. Through the summer, every fine day, I would go when the ground were dry.

Q. Now, was not this the fact, Mr. Johnson, that you wanted to get out in the air as much as you could, and you went out a great many times without regard to whether it was fair or rainy? A. No. If it were rainy I was obliged to stop in, because I would stop in before I would get wet.

Q. Didn't you frequently go out against the advice of the physician, when he told you you had better stay in? A. No, sir. If anybody told me to stay in I stayed in, if it was not wet; and I didn't go out in the wet.

Q. If anybody commanded you, you stayed in. But didn't the doctor tell you frequently that you ought not to go out and go around on those legs of yours, as you did? A. No, sir; the

doctor never told me so at all, sir; he never say anything like it; I wish he did, but he never did.

Q. Mr. Smith never said anything to you of that kind? A. No, sir.

Q. Why did you go? A. When I was in Mr. Smith's I used to go down to the pump, where the platform was; it was all planked up, and I used to sit on the planks there.

Q. Well, why did you go out without your artificial limbs? Why did you go out in this way? A. I had them when I left.

Q. But why did you go out doors around the buildings, unless it was for some purpose of necessity, without your artificial limbs? A. Because I could not wear them; they hurt me every time I had them on.

Q. Then why didn't you stay in the house? A. Because there was more pleasure to be out doors and get fresh air than to stay in there in that ward.

Q. Certainly. More pleasure. And that is the reason you went out? A. Yes, sir.

Q. And you went out, like other courageous men; notwithstanding you were crippled, you went out every chance you got, regardless of the weather, to get fresh air? A. I did as long as it was nice and clean, but not when the ground were wet.

Gov. Butler. He didn't answer regardless of weather.

Q. Now, Mr. Johnson, how long was it after you left Tewksbury that you had this conversation with these gentlemen in regard to the amount of money which you had there? A. Which gentlemen do you mean?

Q. I mean those in Hamilton Place you have spoken of. A. I told them just as soon as I came home from Tewksbury. I told them that I got short $4.90; and I calculated to have that money for a cheap suit of clothes; for my clothes were all gone; and that is why I spoke about it.

Q. All you said about it? A. Yes, sir.

Q. Did you ever say anything to anybody else about it? A. Yes, sir.

Q. To whom? A. To a friend of mine, named Nolan.

Q. Anybody else? A. Yes, sir.

Q. Whom? A. A man named ——.

Q. Now, when was it you spoke to Nolan? A. About the same time. The next Sunday after I had been up there.

Q. Where do you live now? A. No. 8 Hamilton Place.

Q. How long have you been there? A. Since 1882.

Q. Are you in any business now? A. Yes, sir.

Q. What? A. Working on artificial limbs.

Q. And the way you received your injury was that you were run over by the cars? A. Yes, sir.

Q. Took off both legs? A. Yes, sir.

Q. And your feet were severed from your body, were they? A. No; they were crushed.

Q. Bone fracture to a considerable extent? A. Yes, sir.

Q. Above the ankle? A. Above the ankles; all mashed into a kind of jelly.

Q. And let us see. How many amputations have you had since the first? A. I have had five amputations with the first one.

Q. And you call the first, two? A. Yes, sir.

Q. And then you have had three amputations since? A. Yes, sir.

Q. Now, when did you have the last amputation? A. Last fall, sir.

Q. Were you at Tewksbury at that time? A. No: city hospital. I got into the city hospital in the middle of December, I think.

Q. In the middle of December, 1882, you were in the hospital, and had an amputation? A. December, 1882.

Q. That was the last amputation you had? A. Yes, sir.

Q. Now, when was the last amputation before that? Where was it made? A. At the city hospital.

Q. When? A. In March.

Q. March, 1882? A. Yes, sir.

Q. Was that an amputation of the same limb? Was the same limb amputated in March and December, 1882? A. No, sir.

Q. Now, one in December and one in March at the city hospital; when was the next one before March? A. It was in the city hospital at Worcester.

Q. When? A. It was done in March, 1881. I think it was the last of February, or the first of March.

Q. That was after you left Tewksbury? A. That was before I ever came to the city hospital or to Tewksbury.

Q. Before you went to Tewksbury? A. Yes, sir; and before I went to the city hospital in Boston.

Q. Very well. Now which leg was it that was amputated in December, 1882? A. It was the right one.

Q. Which one was it that was amputated in March, 1882? A. The left one, sir.

Q. When did your right leg, which was amputated in December, 1882, again trouble you? A. That troubled me up in Tewksbury. When I lived at Tewksbury I got cold, and got inflammation in it.

Q. But it was not inflamed from the time you left Tewksbury until December, 1882, when you had it reamputated. A. No, sir; I healed it up myself, when I had reamputation.

Q. When you had reamputation of the left one in March, you had the right one treated so that it healed up and got well? A. Yes, sir.

Q. Now, what was the occasion of its breaking out? Was it Tewksbury? A. I got what the doctors told me was dead flesh around it, and that kept causing it to break out.

Q. Didn't the doctor tell you that was always the case with those fractures, with crushed bones in that way? A. No; he didn't say anything about that.

Q. Ever had any conversation with him about that? A. No, sir.

Q. So that really the amputation which was made in December, 1882, was not the result of anything which took place at Tewksbury, was it? A. Well, I had inflammation at Tewksbury.

Q. But you say you healed that up? A. Yes, sir.

Q. Now, I want to know where it was you received this treatment, in consequence of which in March, 1882, and December, 1882, you had to have your right leg reamputated. A. Well, I got my treatment up in Tewksbury.

Q. But your right leg got well after you left Tewksbury? A. Yes, sir.

Q. Now, where was it you got abused between March and December, 1882, in consequence of which you had to have your right leg amputated again? A. That was occasioned by wearing my artificial limb. The pressure on the stump sort of pressed the bone through the flesh so it would keep breaking out all the time on the back side.

Q. Well, now, was not the very thing that you were told at Tewksbury you must not do,— wear your artificial limbs,— the cause? A. No one told me not to wear my artificial limbs, never.

Q. Why did they put them away? A. Because I was told not to wear them.

Q. Who told you not to wear them? A. The doctor.

Q. Doctor who? A. Dr. Homer of the city hospital: then Mr. Fisk, he told me. Said he, "If I was in your place, I would go somewhere where I could leave them off, and lay still."

Q. Now, I want you to tell me if you think that this injury which you received, in consequence of which your right leg was amputated in December, 1882, had anything to do with Tewksbury? A. Well, I didn't say it had anything to do with Tewksbury.

Mr. BROWN. That is all I want to know.

GOV. BUTLER. Let him finish his sentence.

The WITNESS. I didn't say it had anything to do with Tewksbury. But still, when I went to Tewksbury, my stumps were healed up; but come the fall of the year, I was obliged to go out from the hospital, and become an outside patient, and were obliged to wear my leg for to go through the snow, and that leg broke out. That caused it to break out, and then I got cold in it.

Q. (By Mr. BROWN.) Then this is the condition of things in your mind, Mr. Johnson, that if you had had some attendant at Tewksbury, who could have carried you to your meals, or if you could have had an attendant who could have brought your meals to you, you would have been better off? A. Yes, sir.

Q. That is your belief? A. That was my belief, and is my belief to-day, that if there were right treatment there the doctor would never have turned a poor cripple off out of the hospital. He turned me out in the cold,— a poor cripple,— he turned me right out, and gave the bed to another man, and let me go outside.

Q. That is to say, you think you should have been continued in the hospital? A. Yes, sir.

Q. Do you know the reason why he gave your bed to another man? A. I don't know the reason.

Q. Were there any vacant beds when you left the hospital? A. No; it was all full.

Q. Was not this it, that there was not any room for a man who was sicker than you were, and so you had to come out? A. Yes, sir.

Q. Do you know that? A. Yes, sir. I may tell the case.

This man was an outside patient. He took his meals up in the hall, and he were told to come into the hospital and sleep up stairs in the main building, and he was only one flight of stairs to go up. And he go talk to the doctor of the dispensary, and he told this doctor that he get short of breath and he wanted to get into the hospital; and the doctor gave him the bed and let me go out, and I had to go up stairs.

Q. Did you hear this conversation between this man and the doctor? A. Yes, sir.

Q. What was the man's name, sir? A. I don't know, sir.

Q. You don't know his name. What was the doctor's name? A. Dr. Lathrop.

Q. But you do not recollect the name of the man? A. No, sir; he was a big, tall, stout man.

Q. Well, were there any other vacant beds in the hospital when you left it? A. No, sir.

Q. Were there attendants enough in that hospital to serve all the wishes and desires of the patient there? A. There were not.

Q. How many more men, in your judgment, Mr. Johnson, do you think it would have taken as attendants in that hospital to have served all the purposes of the patients there? A. One more.

Q. One more, at least? A. Yes, sir.

Q. Well, take the department Mr. Smith had charge of; how many men did he have charge of? A. He had charge of the whole; one-half the hospital, and the other half the old men's ward. I have forgotten how many there were.

Q. In that department do you think there ought to have been more attendants? A. Yes, sir.

Q. How many more? A. One more man.

Q. That is to say, you felt that at Tewksbury you were not properly treated for the want of attendance, is that it? A. Yes, sir.

Q. And if there had been more attendants, you think you would have had more attention? A. Yes, sir.

Q. That is just it, is it? A. Yes, sir.

Q. Then, are you a citizen of Massachusetts? A. Yes, sir.

Q. Naturalized? A. Yes, sir.

Q. You are from Sweden? A. Yes, sir.

Q. From where? A. From Jonkoping.

Q. Then, as a citizen of Massachusetts, you don't think

there is money enough spent there to run the institution as it ought to be run? A. I don't know anything about that, sir.

Q. You know there ought to be more attendants there? More people to wait on the sick? A. Yes.

Q. You are satisfied about that? A. Yes, sir.

Q. No doubt in your mind about it, is there? A. Well, in some places they have got plenty of men if they would do it; but they take the inmates to do it, and they don't want to do anything for you.

Q. That is, you think the inmates think they are better than anybody else? A. Well, they don't want to do anything for a sick person.

Q. Well, your idea is that under the arrangement at Tewksbury, the labor of the inmates is called into service to too great an extent, is that it? A. Yes, sir.

Q. That is to say, that the inmates don't constitute a sufficiently reliable service, and they are relied upon to too great an extent? A. Yes, sir.

Gov. Butler. It is only a question of time about this matter, I suppose.

Mr. Brown. Oh, no, sir; it is a question of vital principle. We are looking after the appropriation now.

Gov. Butler. The difference between stealing an appropriation and hiring attendants is so wide that I should think you would see it.

Mr. Brown. Well, I think I am capable of seeing that difference; but I am not capable of seeing that you have yet proved that any appropriation has ever been stolen.

Gov. Butler. We will see.

Mr. Brown. Of course; if you keep on for five or six years longer we may.

Gov. Butler. I should address myself to the committee. The testimony of this man about an appropriation about which he knows nothing, is not valuable. The want of attendants I agree to. I agree that they do not have enough. But the auditor's report shows they have got one, two, three, four, five, six, seven, eight, nine farmers.

Mr. Brown. When?

Gov. Butler. In 1883 and in 1882; and not less at other times. Now, then, my proposition is not that the money is not enough, — I have a very strong belief about that, — but that it is not rightly spent. But this gentleman is not an expert

upon that matter. He knows nothing about the appropriation. He does not know the amount of it; and this is not proper testimony on that account. I have not interfered, because I supposed it was to stop some time or other; but as it is not, I am going to try to stop it.

The CHAIRMAN. I think the question as to the number of attendants is perfectly proper.

Mr. BROWN. If you will permit me to say a single word, my friend never addresses himself to any subject but what he commits some gross inaccuracy. He talks about nine farmers. There never were nine farmers employed on that farm at any one time, and because he finds nine names he says there were nine employed all the time.

Gov. BUTLER. No, I have not said that. There were nine different men and their names all appear.

Mr. BROWN. There is not the slightest evidence that there were more than two men there at one time; and the auditor's report don't furnish any evidence that there are more than two at one time.

Gov. BUTLER. [Reading from the auditor's report.] "James Poor, $300; George E. Fitzgerald, $360; George W. Colbath, $300; Henry L. Tingley, $250; Frederick E. Colbath, $239; Jeremiah Martin, $100; Samuel H. Clark, $217.50; David Hilton, $187.90; John A. Townsend, $50; Charles E. Clark, $25; Thomas H. Kittredge, $16.67."

Mr. BROWN. The prices show they were not there the year round.

Gov. BUTLER. Well, then they were overpaid.

Mr. BROWN. You had better give it up.

Gov. BUTLER. And I suppose there was not a great deal of farm work to do up at Tewksbury in December, January, and February, with the snow on the ground; and one of the farmers might have been detailed to help this poor crippled man around.

Mr. LORING. The committee will have the auditor and the treasurer up here before we get through to show what the help was.

Gov. BUTLER. The record is here.

Mr. LORING. The record, I apprehend, don't show whether they were all there at one time or not.

Gov. BUTLER. No, sir. I don't suppose that anybody who conducts a farm properly keeps the same number of help the year round.

Mr. LORING. No, sir.

Gov. BUTLER. I never heard of anybody that did.

MR. LORING. That will be a matter of proof during this hearing.

Gov. BUTLER. Well, when you come down to put in proof along with him, then I will deal with it.

Mr. BROWN. I don't know as we will ever have a chance to do that.

Gov. BUTLER. Not if you cross-examine all the time.

Q. (By Mr. BROWN.) Now, Mr. Johnson, did you keep a diary in 1881? A. Yes, sir.

Q. Where is it? Where is the diary that you kept in 1881? A. What you mean? A little account book? Oh, I destroyed that.

Q. No, not that; didn't you have a little book with the days of the week and dates of the month, a little book something like that? [A pocket diary.] A. No, sir.

Q. All you had was this little bit of paper that you have spoken of. A. Yes, sir.

Q. Nothing else? A. No, sir.

Q. Take any receipts? A. I don't had any book.

Q. Take any receipts? A. No, sir, I don't take any receipts; I never thought of any trouble.

The CHAIRMAN. Have you a short witness, Governor?

Gov. BUTLER. I have not a short witness. I want to ask a question or two of Mr. Fairbanks that might well be put in here.

TESTIMONY OF LORENZO S. FAIRBANKS (*recalled*).

Direct examination by Gov. Butler.

Q. You have made some examination since you have been on the stand which bears upon these amounts that you have testified to before? A. Yes, sir.

Q. Whether you could find them or not on the cash-book?

Gov. BUTLER. Mr. Fairbanks has informed me that he finds two amounts on the cash-book that he didn't find before, they being out of place.

The WITNESS. In the case of Patrick Mallier, No. 36,449, I stated that I hadn't seen the amount of twenty-one dollars on the cash-book. He absconded March 18, 1871. Regularly, that should have been entered in March, but having to testify on the book before me I testified that it was not in March, and

that I had not seen it elsewhere. I have since found it, out of order, four months after he entered.

Q. (By the CHAIRMAN.) What year was that? A. 1871.

Q. (By Mr. WOLCOTT.) After he entered the institution or after he absconded? A. After he absconded.

Mr. BROWN. Out of order in what way? When should it have been entered?

Gov. BUTLER. When he absconded.

Mr. BROWN. How do you know but what he was going to turn up the next day or the next week and find his money gone into the treasury?

Gov. BUTLER. I am only giving the reason why he didn't find it.

Mr. BROWN. I objected to his saying "out of order."

Gov. BUTLER. Well, he thinks it is out of order.

The WITNESS. I meant with reference to that date, of course. The other case is the case of Hannah Donnell, No. 35,104, who died Oct. 17, 1870. I don't know what I said about that, but as I find something that I know I didn't state, I wish to state it. It is a case where there was an erasure and an entry of $50 over it. I find it entered in the cash-book, March 18, 1871, $33.

Q. (By Gov. BUTLER.) Fifty dollars appeared on the cash-book over an erasure? A. Yes, sir.

Q. And you find it entered on the cash-book $33; that goes to the credit of the Commonwealth. Now, Mr. Fairbanks, I want to call your attention to another thing. Have you looked over this cash-book, where these little entries of money paid are made, and is there any peculiarity running through those entries? Are there a great number of them? A. I have examined and I find a peculiarity: a great many sevens, a great many fourteens, a great many twenty-ones; that is to say, 14 cents, 7 cents and 21 cents, running through the account. I suppose they mean cents if they mean payments. I don't know whether they mean payments or not.

Gov. BUTLER. They are little entries in pencil?

The WITNESS. They are claimed to be payments, I believe.

Gov. BUTLER. Here is one: 14, 14, 14, 14, 14, 14, — six fourteens. Probably got fourteen cents every time. Here is another: 21, 21, 21, 21, 21, 10, 10, 10, 10, — five twenty-ones and four tens.

Q. (By Gov. Butler.) And that you find running all through? A. Yes, sir.

Q. And these payments, so made up from twenty-ones, sevens and fourteens, make up the amount of money which is credited? A. I could not answer that specifically.

Mr. Brown. That is just about the price of a plug of tobacco, I should say.

Gov. Butler. Which, the ten or the twenty-one, the seven or the fourteen, is the price of a plug of tobacco?

Mr. Brown. It would depend on the size of the plug.

Q. (By Gov Butler.) Is that a peculiarity in all the cases? A. It is in a good many cases; quite a large number; I have five or six of them marked here. —— No, I have not: that is a different thing. No, there are more than that.

Mr. Loring. Is that all from Mr. Fairbanks?

Gov. Butler. No, sir: it will take some considerable time to get through with him.

Adjourned until Tuesday, May 8th, at 9.30 A.M.

TWENTY-FOURTH HEARING.

Tuesday, May 8.

The committee met in the Green Room at 9.30 A.M., Senator Loring of Worcester, in the chair.

Mrs. Catherine Moran (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name? A. Catherine Moran.

Q. And you live where? A. Lawrence, sir.

Q. How long have you lived in Lawrence? A. Eight years.

Q. And what is your business there; what was your business? A. Buying second-hand clothes, sir.

Q. Buying second-hand clothing? A. Yes, sir.

Q. How long have you been in that business? A. Nineteen years, sir.

Q. Have you ever bought any second-hand clothing at the Tewksbury almshouse? A. Yes, sir.

Q. Of whom? A. Of the old Mrs. Marsh, and Miss Nellie Marsh, that is dead, and Mrs. Tom Marsh.

Q. And who else? A. And the doctor, sir; doctor's family that was there.

Q. Dr. Lathrop's family, — Dr. Lathrop, do you know? A. Yes, sir.

Q. Ever buy any of young Tom Marsh, Thomas Marsh, Jr.? A. He had a son in Exeter, — bought of a gentleman who has a son in Exeter, in college.

Q. Son in Exeter in college? A. Yes, sir; I couldn't tell any of their names.

Q. Ever buy any of Mrs. Dr. Putney? A. Yes, sir.

Q. About how long ago did you begin this kind of traffic? A. It is about, — I wasn't there for two years, sir: didn't buy any for two years.

Q. Haven't bought any for two years past? A. Yes, sir.

Q. When did you begin to buy? A. About four years ago, sir.

Q. About four years ago; now, what did you buy, take it, say, of old Mrs. Marsh? A. There was Mr. Marsh's clothes, sir.

Q. Of course there were. A. His old clothes.

Q. Certainly; how many suits did you buy? A. I suppose two or three suits; I bought different kinds of clothes, sir, from Mrs. Marsh.

Q. I understand. You got two or three suits of the old man's clothes; now, how many suits did you get of the old lady's clothes? A. I got dresses.

Q What? A. I got a bundle, sir; a large bundle. You know what second-hand clothes is, sir.

Q. What? A. I got second-hand clothes; all kinds of clothing.

Q. All kinds of clothing? A. Yes, sir.

Q. All kinds of second-hand clothing. And you got large bundles of it, did you? A. Yes, sir.

Q. About how big bundles? A. As large as I could lift up, sir.

Q. What? A. A good bundle in a shawl, that I could take in my arms.

Q. Did you get a shawl to put them in? A. Yes, sir; I always carried a bundle of cloth, or shawl, or table-cloth.

Q. Did you buy any shawls there? A. Yes, sir; I bought those of Miss Nellie Marsh that died.

Q. What kind of shawls were they? A. One was a red plaid shawl, sir.

Q. One was what else? A. A light shawl.

Q. What else? A. One was a green old-fashioned shawl.

Q. Green old-fashioned shawl? A. Yes, sir; one.

Q. One was a green old-fashioned shawl; and how many times do you think you bought of old lady Marsh? A. I don't think I bought of Mrs. Marsh only twice, sir.

Q. Twice? A. Just about.

Q. You bought some men's clothes; any overcoat? A. Bought one of Mr. Tom, sir; an overcoat.

Q. Mrs. Tom? A. Mr. Tom, — a gentleman.

Q. Did you buy any underclothing? A. Yes, sir.

Q. Of what kind? A. They were very nice clothes, sir; same as a lady would wear; they didn't look like paupers' clothes.

Q. Oh, of course not; I don't think they were paupers' clothes myself. A. No, sir.

Q. Buy any silk dresses? A. Yes, sir.

Q. How many? A. Didn't keep account, sir.

Q. No; didn't keep account. Well, about how many? A. I bought of Mrs. Tom Marsh, sir, the silk dresses.

Q. How many silk dresses did you buy of Mrs. Tom Marsh? A. I could not tell, sir; I bought, I remember, one brown silk.

Q. What? A. I bought one or two brown silk dresses.

Q. One or two brown silk dresses? A. Yes, sir.

Q. Any other color? A. Not of silk, sir.

Q. Did you buy any silk dresses of anybody else but Mrs. Tom Marsh? A. Yes, sir.

Q. Who else did you buy silk dresses of? A. Miss Nellie.

Q. Who else did you buy of? A. I bought some, sir, of the doctor's ladies that was over there to the insane asylum.

Q. The doctor's ladies that was there, — that is, Mrs. Lathrop, you mean? A. I don't know, sir, what was her name.

Q. But it was the doctor's lady over in the insane asylum? A. Yes, sir.

Q. You bought silk dresses there? A. Yes, sir; and men's clothes.

Q. Men's clothes? A. Yes, sir; and underclothes there.

Q. All sorts of underclothes? A. Yes, sir; I bought an old fiddle there.

Q. Bought an old fiddle? A. Yes, sir.

Q. Some poor musician got into the almshouse, I suppose, and lost his fiddle. Did you buy any — get any sheets? A. Yes, sir; I got three.

Q. Got three sheets? A. Yes, sir.

Q. Any pillow-cases? A. No, sir.

Q. Any blankets? A. No, sir; never.

Q. Any coverlids? A. No, sir.

Q. Did you buy any of Mrs. Putney? A. I bought of Mrs. Putney, sir, in Exeter and Reading; I didn't at the almshouse, sir. I bought of her when she was in Exeter and in Reading.

Q. Where did you buy of Mrs. Putney; in Reading or in Exeter? A. In Exeter, sir; and when she got married to Dr. Putney I bought.

Q. You bought some after she got married to Dr. Putney? A. Yes, sir.

Q. Now, in Exeter; who else did you buy of there, — Mrs. Atwood? A. Yes, sir.

Q. What kind of clothes did you buy of Mrs. Atwood? A. Dresses and shawls and cloaks and underclothes, and stockings; old shoes.

Mr. Brown. Mr. Chairman, I do not want to interfere, but I suppose that this is competent, and only competent, upon the assurance which may be made, possibly, that this is to be connected with Tewksbury in some way, and this is shown to be property which belonged to the Commonwealth. Thus far the witness entirely denies anything of that kind.

The Chairman. If it is not shown I suppose it won't have any weight with the committee.

Gov. Butler. I think it is already connected with Tewksbury as much as I want to.

Mr. Wolcott. I should like to ask how many years the witness's testimony now covers?

Mr. Brown. It was two years.

Mr. Wolcott. The last two years?

The Chairman. No, sir; four years ago.

Gov. Butler. I have got another witness to that; there won't be any trouble about this when we get there.

Mr. Brown. I didn't know whether this was to be one of your unfulfilled promises, of which the record shows you have made five.

Gov. Butler. I have not made an unfulfilled promise.

The Chairman. Go on, Governor.

Gov. Butler. It is not true.

Q. Now, then, I should like to know, — you say you bought of Mrs. Atwood; do you know what Mrs. Atwood does down there; what is her business? A. No, sir; but, General, I never gave any money to these ladies.

Q. I know you didn't; I understand that; you brought them things they wanted and they paid you in old clothes? A. Yes, sir.

Q. That is it; that is, they would give you an order; for instance, they wanted to get this, that or the other of household goods, or anything that they wanted, and they would give you these old clothes in payment for that order. A. I never brought them household goods; I brought them vases, and toilet sets, and pieces of bronze figures.

Q. Not household goods, only household ornaments; I understand; you brought them vases and bronze figures, and things to

ornament the house, and they gave you these old clothes in payment. That is right? A. Yes, sir.

Q. Now, did you seek their custom or did they seek you? A. Well, sir, Tewksbury is a place I never went there. I lived in Lowell for fourteen years, and went to the village but not to the poorhouse; I thought I wouldn't get anything there. But I was trading in Exeter and Portsmouth, and I happened to call to a house, and rang the bell in a lady's house and they told me to come in. And I went in there and traded, and I understood from the man at the depot that there was a young lady going to be married out of there, a granddaughter to Capt. Marsh. I didn't know who Capt. Marsh was; and they ordered me to come down again for to bring some toilet sets.

Q. A little too fast, there. Then you went in and traded, and then they ordered you to come down there again? A. Yes, sir; but not to Tewksbury — to Exeter.

Q. That was at the house where the granddaughter of Capt. Marsh was to be married, and they ordered you to come down again, and they told you they would have more clothes then? A. Yes, sir.

Q. And you did go down again, and they had more clothes? A. Yes, sir.

Q. And, then, whenever they got some more old clothes they sent for you, did they, to tell you to come down? A. I will tell you how I got to Tewksbury, sir. I went there the second time and found old Mrs. Marsh there, and she asked me, did I ever go to Tewksbury, and I told her no. She asked me, "Did you ever call to the almshouse?" and I said no. She said, "You may come up there; I have a daughter coming from Europe, and she may have a lot of clothes to trade with you"; and I went there, sir.

Q. "Got a daughter coming from Europe, and she might have a lot of clothes to trade with you"? A. Yes, sir.

Q. Were those second-hand clothes that you traded? A. Yes, sir.

Q. That was Dr. Nellie whom we have learned had gone to Europe and brought back, — did you trade with her, and did you trade with Mrs. Thomas Marsh? Who was the Mrs. Marsh down there at Exeter: do you know, — you said Mrs. Marsh was at Exeter at Mrs. Atwood's house, — which one it was? A. Old Mrs. Marsh; the old lady, sir.

Q. Old lady? A. Yes.

Q. The old lady was down there, and she was the one who

told you to come up; that she had a daughter coming from Europe and she might have some old clothes to sell; and when you got up there the old lady had some to sell, and Nellie had some to sell? A. Yes, sir.

Q. And Mrs. Tom had some to sell? A. Yes, sir.

Q. They hadn't all been to Europe, had they? A. They all, sir; the ladies who were over in the crazy house had some to sell.

Q. And the lady over in the crazy house had some to sell? A. The nurses, sir; yes, sir.

Q. They had lots to sell. Who sold that fiddle? A. I was cheated in that, sir.

Q. What? A. I was cheated.

Q. Were you? You are a second-hand clothing dealer and not a fiddle dealer; you got cheated in that? A. Yes, sir.

Q. Who sold that? A. He was a stout gentleman, sir; him and his wife, they sold me an old gold ring and a fiddle for a pair of figures.

Q. Sold you an old gold ring and a fiddle. — a stout gentleman and his wife? A. Yes, sir.

Q. Who was he, do you know? A. I can't tell, sir; I think I would know him if I seen him. He was not in Captain Marsh's apartment, sir; he was over on the other side.

Q. They all of them had something to sell? A. Oh, yes, sir.

Q. Did you buy any other rings besides that one? A. Oh, no, just the one; I wouldn't have taken it only I didn't understand it.

Q. You wouldn't have taken it but you didn't understand it. It was not a gold ring at all, was it? A. I suppose it was, sir: yes.

Q. The trouble was not in the ring, but in the fiddle? A. The fiddle, sir; yes, it wouldn't play.

Q. Was Mrs. Dr. Putney there the first time? A. No, sir; she was in Exeter with her mother.

Q. She was in Exeter with her mother? A. Yes, sir.

Q. Did she sell you anything in Exeter? A. Yes, sir.

Q. She had old clothes to sell in Exeter? A. Very nice clothes.

Q. Very nice clothes. A. Yes, sir: ladies always has when they are going to be married.

Q. She sold you very nice clothes in Exeter: silk dresses? A. Yes, sir.

Q. And nice underclothes? A. Oh, yes, sir; and shawls.

Q. How many shawls did she have to sell? A. Her mother, sir, had given her some, and she had an aunt there gave her some, and they all patched up and bought.

Q. They all gave her shawls, and she sold them all? A. Yes, sir.

Q. That is the way she treats gifts, was it? A. There was a sister; I got some clothes of a sister.

Q. You bought some clothes of her sister; that is another of the Atwoods, is it? A. Yes, sir.

Q. What had she; had she nice clothes to sell? A. Yes, sir.

Q. But that sister was not going to be married, then? A. No, sir; not as I know of.

Q. Not as you heard? A. No, sir.

Q. What did you get of the sister? A. They were all put together, sir; the mother and the young lady traded.

Q. They were all put together at last? A. Yes, sir.

Q. Very well; how large a bundle did you take away that time? That is the first time? A. I traded there several times.

Q. How many times do you think you have been down there to the Atwoods at Exeter altogether? A. I think, sir, I have been there,—I don't know; as much as a dozen times.

Q. Perhaps a dozen times? A. Yes, sir; before the lady got married.

Q. Did you get old clothes every time? A. Yes, sir.

Q. And a good bundle of them every time? A. Well, no, sir; they got smaller every time I would go there; wouldn't get as much, — cleaning-house time.

Q. They didn't wear out their clothes so fast so as to have them to sell. A. No, sir; but sometime they pick up and clean house and they find a lot of old stuff.

Q. Pick up and clean house and find a lot of old stuff; and sometimes they would find a lot of good dresses, wouldn't they? A. Yes, sir; good dresses.

Q. Now, then, did Mrs. Putney tell you to come down, or the lady that was going to be married, tell you to come down to Reading and she would have some old clothes to sell? A. Yes, sir; but I never traded in Reading but once; stopped there; a lady was married, so I didn't go there.

Q. This same lady, — you bought her out before she was married, and she told you where she was going to go, and told you she would have some clothes to sell after she was married;

and you went down, — how long after she was married when you went down to Reading? A. Well, sir, I suppose it would be five or six months. It was not to buy old clothes I went down. I went down to Reading to see the doctor more than to buy old clothes. I had a little girl who was sick.

Q. You went down to see about a little girl being sick, and went down to buy old clothes there; from whom did you buy them? A. I bought of the young lady's mother, sir; Mrs. Marsh at the time.

Q. Young lady's daughter who was down there visiting? A. I don't know about that, sir.

Q. Or living there: at any rate, she had old clothes to sell? A. Yes, sir.

Q. And how many times did you buy in Reading? A. Once, sir.

Q. Did you buy anywhere else? A. Yes, sir: I bought around the village, from ladies.

Q. I know: but did you buy of any other of the Marsh family anywhere else? A. No, sir.

Q. You bought in Reading, Exeter and Tewksbury? A. Yes, sir.

Q. How many times do you think you went to Tewksbury? A. I could not tell, sir.

Q. Well, about how many times in the two years? A. Well, I know that gentleman with a team could tell, because he brought me to the depot every time I went there; he carries the paupers up there. I have never kept an account.

Q. He took you up every time; did he take away the bundles when you went away? A. Yes, sir.

Q. In the same team? A. Yes, sir.

Q. So, if he will tell, the gentleman at the depot that drove you could tell. Did you buy of pretty much all of them that were there every time you went? A. Yes, sir.

Q. All had old clothes to sell every time you went. Now, you stopped selling, Mrs. Moran? A. Yes, sir.

Q. Because they said you didn't pay up, didn't they? A. No, sir; my husband took sick, and he was two years sick, sir, and I went into the fruit business; selling fruit.

Q. You changed the business? A. Yes, sir.

Q. And you don't know anything more about buying old clothes after that? A. No, sir; I didn't go there.

Q. And haven't gone to Exeter? A. No, sir; I haven't been in Exeter for two years.

Q. And that is on account of the sickness of your husband. Mrs. Atwood gives a different reason, perhaps; we will see. A. Yes, sir.

Q. Now, did you pay them in vases and bronze figures and things of that sort, up at Tewksbury? A. Well, sir, yes, sir; I never gave them money. The gentlemen's clothes I got, sir, the name was on them — Mr. Marsh's name. The old gentleman's name was on them; and Mr. Tom's name was on his clothes.

Q. On the gentlemen's clothes you got? A. Yes, sir.

Q. And when you came there again did you see any of the bronze ornaments or things you brought there sitting up around the rooms? A. No, sir.

Q. They didn't ornament the buildings with them at any rate, as far as you know? A. I saw what I sold to Dr. Putney's lady; I saw them in their house.

Q. That is, in her house in Reading? A. Yes, sir.

Q. But I am asking if you saw any of these ornaments you sold for these clothes, if you saw any of them in Tewksbury? A. The room that I used to go to was not fit to put ornaments in, — the sitting-room; sewing-room.

Q. You say you got these in the sewing-room? A. Where the ladies sewed.

Q. Where the ladies sewed? A. Yes, sir; Mrs. Marsh's room.

Q. Were any of them ripped? A. No, sir; they were made-up dresses.

Q. When did you know you were coming here? A. Last night, sir.

Q. Mr. Innes called on you? This gentlemen who sits behind me? [Pointing to Mr. Innes.] A. Yes, sir; and two more.

Q. That is the first time you had seen anybody about it? A. Yes, sir.

Gov. Butler. I guess that is all for the present.

Cross-examination by Mr. Brown.

Q. When was the last time you went to Tewksbury to get clothes, as near as you can state it? A. Just before Dr. Putney, sir, was married.

Q. Do you recollect when Dr. Putney was married? A. No, sir; I don't, quite.

Q. Well, now, Dr. Putney was married somewhere about four years ago, wasn't she? A. I don't know, sir.

Q. Well, let me see; you live in Lawrence? A. Yes, sir.

Q. And how long have you lived there? A. About eight years, sir, I think.

Q. Did you have any articles sent to you by Dr. Putney in a barrel? A. Never, sir.

Q. Never had any articles sent to you in a barrel? A. No, sir, never.

Q. From Dr. Putney? A. No, sir, nothing; whatever I got I carried.

Q. Carried away with you? A. Yes, sir.

Q. In your hands? A. Yes, sir; or else that gentleman.

Q. Or else what gentleman? A. That used to bring the paupers from the depot.

Q. Or else he took it down to the depot for you? A. Yes, sir.

Q. And then you loaded it onto the train and went back to Lawrence? A. Yes, sir.

Q. And, now, assuming that it was somewhere in the neighborhood of four years ago when Dr. Putney was married and when you were last there, when was it you were first there?

Gov. Butler. That was the first time she was there; you are putting it wrong.

Mr. Brown. No, sir; I asked her when was the first time, and she said when Dr. Putney was married.

The Witness. The time I went there was when I heard about Mrs. Marsh's granddaughter getting married to Dr. Putney.

Q. That was the first time? A. Yes, sir.

Q. How long did you continue going there? A. I could not tell.

Q. When did you leave off going there; how long ago was it? A. I haven't been there for two years, sir.

Q. Then you think you went there about two years, do you, getting clothes? A. There may have been four or five months difference, sir; you go for old clothes in the fall and spring.

Q. But you continued through a period of about two years, didn't you? A. Two or three years.

Q. Going to get clothes two or three years. A. Three years; but the clothes I got, sir, I used to see belonged to the ladies.

Q. Belonged to the ladies of the house? A. Yes, sir; from their own trunks; I saw them open.

Q. Saw them open their own trunks and get them out? A. Yes, sir.

Q. And you saw from the dresses they fitted the ladies that were there talking with you? A. Yes, sir; and trains on them. Mrs. Thomas Marsh sold me a brown dress, a skirt, and I was to bring a toilet set for the polonaise of it, and I never went there afterwards. She gave me the skirt for what I gave her, and I was to bring her a toilet set for the polonaise for the dress.

Q. Which you never did. A. No, sir; I never went there afterwards.

Q. Now, take the gentlemen's clothing — was there any clothing that you had from the gentlemen except what belonged to Tom Marsh; you say his name was on a part of it? A. Yes, sir; and from what I got from the gentleman in Exeter, sir, I know this was his own clothes — the boy's clothes, for they fitted my boy; and he was at school in Exeter.

Q. And was that boy named Atwood, do you know? A. I think it was Mr. Tom's son, sir.

Q. Mr. Tom's son? A. Yes, sir.

Q. Did you see the boy? A. I saw a young gentleman there, sir, but I could not tell; he never traded with me; it was his mother, the tall lady.

Q. Very spare, thin lady? A. Yes, sir.

Q. And this Mrs. Marsh that you referred to, the old lady, was quite tall? A. She was very stout, sir.

Q. A stout lady, large frame? A. Yes, sir.

Q. Pretty large, broad-built woman? A. Yes, sir; old Mrs. Marsh was a stout lady, I think.

Q. (By Gov. Butler.) A single word. A word was put into your mouth that suits were taken out of the trunks; were they taken out of the trunks in the sewing-room? A. No, sir.

Q. Where? A. In the lady's room; in her own sleeping-room; there was a trunk she gave me a few things out of that came from Exeter, from the boys at school.

Q. That was the young lady? Where did you get those things of the old lady? A. She brought them down, sir, where her and Miss Nellie and the ladies was sewing. Belonged to Mr. Marsh; some old clothes.

Q. Where were you when you got them; in the sewing-room

of the institution? A. I was not in the paupers' room, sir; I was where Mrs. Marsh lives.

Q. Where they live? A. Yes, sir.

Q. And they were in the sewing-room. Where were they in the sewing-room, — where were the clothes in the sewing-room? A. Miss Nellie went and brought them down, sir, where her mother told her they were.

Q. Miss Nellie went and brought them down from up-stairs somewhere? A. Yes, sir.

Q. (By Mr. Brown.) I want to ask you what sort of a looking gentleman this was who sold you the fiddle? A. He was a stout gentleman, sir.

Q. He was stout; and he had black eyes? A. Yes, sir.

Q. He had gray hair and a gray moustache? A. He was a stout gentleman.

Q. He was over there in that building where the insane women were, wasn't he? And he had his wife with him? A. Yes, sir.

Q. And she was a tall lady? A. A stout lady.

Q. A tall, stout lady? A. Yes, sir.

Q. Had a little room there, and there was a melodeon in it, wasn't there; do you recollect about that? A. I couldn't tell; he brought me the fiddle.

Q. She was a musician, wasn't she; did you hear her play anything? A. No, sir.

Q. It was over in that building across the court? A. It was nothing to do with Captain Marsh's apartment, sir.

Q. Over back across the yard, beyond the conservatory, where the flowers were? A. Yes.

Q. In a long brick building? A. Yes, sir.

Q. (By the Chairman.) Did you buy any clothing that you thought was pauper clothing? A. Well, no, sir; I didn't, not that I could see.

Q. Either at Tewksbury or at Exeter? A. Never, sir: because I could see they were the ladies' clothes.

Q. Did you travel, formerly, around the country? A. Yes, sir; and I would go, of course, to Portsmouth and Exeter.

Q. Have you been up in the region of Fitchburg, in Worcester County? A. No, sir.

Q. Haven't you ever been there? A. No, sir; not in Worcester, sir.

Q. (By Mr. Brown.) Have you ever been in Worcester

County, do you know? A. I don't know what Worcester County is, sir.

Q. Never been to Fitchburg? A. No, sir.

Q. (By Gov. Butler.) These were too nice dresses for paupers? A. Yes, sir; silk dresses with trails on.

Q. Silk dresses with trains on were not usually paupers' dresses. But there was no objection to an insane person's wearing such a dress if they had money, was there? A. I saw, sir, the dresses I got, that they fitted the ladies.

Q. They did, all of them? A. I could tell the dresses, sir.

Q. Did you see any of them put on? A. I did, sir; I traded dresses that I saw on the ladies, and when I went there again they let me have them.

Q. And had these dresses been considerably worn? A. No, sir; they were not very worn.

Q. Did you see a black and white silk dress that fitted one of the young ladies that was sold to you? A. Black and striped; was it a striped silk?

Q. Striped silk. A. I got a good many of those dresses.

Q. A good many of those silk dresses? A. Not there, I did not.

Q. But I mean there, among those people; I am not asking anywhere else; did you see there a black and white silk dress? A. I never got one there, sir; it was a brown silk.

Dr. Edward Bacon (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live? A. I live in Brockton.

Q. Were you at the Harvard Medical School? A. Yes, sir.

Q. About what time? A. From the fall of 1875 to June, 1878.

Q. While you were there did you carry two pieces of human skin anywhere to be tanned?

Mr. Brown. I pray the judgment of the committee, unless this is to be connected with Tewksbury.

Gov. Butler. We have had that question ruled upon three times.

The Chairman. The same thing has been ruled upon, and I don't think three skins will be any worse than two.

Mr. Brown. I know; I don't suppose it would be any worse; but, I understand, every time it has gone in it has gone in on

the promise of His Excellency that he intended to connect it with Tewksbury.

Gov. Butler. It has not gone in on that ground.

Mr. Brown. Now, if he makes the same promise to-day, I have not the slightest objection to it; but, unless he does, I pray the judgment of the committee whether we are to spend our time here investigating the Harvard Medical School.

The Chairman. It seems to me to be cumulative, but yet I think we had better let it go in rather than discuss it, as it has gone in twice, unless the committee thinks otherwise.

Gov. Butler. But under the same objection every time.

Q. Now, sir, answer the question, doctor, if you will. Did you take two pieces of human skin to a tannery at Woburn? A. Yes, sir.

Q. One white and one colored? A. Yes, sir.

Q. What tan-yard was that? A. That was C. J. Bishop, Woburn.

Q. Were they tanned? A. Yes, sir.

Q. Where did you get them? A. I got them from the dissecting-room at the Harvard Medical School.

Q. Did you dissect them yourself or have somebody take them off for you? A. If I remember rightly, one piece was from a subject I had, and the other was from a subject one of the other students had. He gave me one to get tanned for himself.

Q. Were they tanned? A. Yes, sir.

Q. Have you the pieces now, anywhere? A. No, sir.

Q. Where are any pieces of them? A. I do not know.

Q. Where did you leave them? A. I left some out at my home and I gave some to other classmates.

Q. Do you know what use was made of any portion of them? A. No, sir. They were not large enough to make any use of except as a matter of curiosity.

Q. Well, sir, at that time wasn't the common word among the students for a dead body a "stiff"? A. What is that?

Q. Wasn't a dead body spoken of as a stiff, for short? A. I don't remember; I have no doubt they were, though.

Q. No doubt they were. Now, did you know, when you were at Harvard, where the larger portion of the bodies came from; the stiffs? A. No, sir: I do not know where the larger portion came from.

Q. Do you know where any portion came from? A. I

understood that some part of those that were dissected came from Tewksbury.

Q. Did you so understand in regard to the one you were dissecting? A. No, sir.

Q. Was yours the white one or the negro? A. I never asked.

Q. What? A. I never asked where they came from.

Q. Was yours the white or the negro? A. Mine was the negro.

Q. Didn't your learn where they came from? A. No, sir.

Cross-examination by Mr. Brown.

Q. You were there through all the terms of three years, were you? A. Yes, sir.

Q. And when did your first term commence? A. Commenced in the fall of 1875.

Q. The fall of 1875; and during the three years you were in the dissecting-room more or less in each term? A. Yes, sir.

Q. And how many pupils in the dissecting-room? A. Well, I don't think there were more than eight or ten.

Q. Any babies dissected while you were there? A. No, sir; I don't remember.

Q. Did you ever see a baby in the dissecting-room while you were there? A. No, sir.

Q. Now, did you inform any of the professors that you had taken a piece of human skin, and the purpose for which you intended to use it? A. No, sir.

Q. So far as you have any knowledge or information, did any professor of the medical school know that you had taken a piece of human skin to be tanned? A. No, sir.

Q. Wasn't it, on the other hand, your intention that nobody should know who had official connection with the institution? A. Yes, sir.

Q. It was? A. Yes, sir.

Q. Very well: now, do you think anybody did find it out while you were connected with the institution? A. None but those that I gave the pieces to; the students.

Q. They were students? A. Certainly.

Q. (By Gov. Butler.) Did the janitor know that you did it? A. No, I don't think he did.

MRS. MARY E. WALKER (*sworn*).

Direct examination by Gov. Butler.

Q. What is your business? A. Second-hand clothing dealer, sir.

Q. How long have you been in that business? A. Twenty-eight years.

Q. Where? A. Twenty-five Salem Street, sir.

Q. (By the CHAIRMAN.) Boston? A. Yes, sir.

Q. (By Gov. BUTLER.) And Tremont Street? A. Yes, sir.

Q. What is your name? A. Mary E. Walker.

Q. Did you use, some two years ago, to trade in Exeter? A. Yes, sir.

Q. Did you make the acquaintance of the Atwood family? A. Yes, sir.

Q. Won't you state under what circumstances? A. I traded at Professor Wentworth's: Mrs. Atwood's daughter was there, and she told me to come in to see her mother and they would trade with me, which I was very glad to do.

Q. Yes; and did you go in? A. Yes, sir.

Q. And did they trade with you? A. Yes, sir.

Q. How long ago was that? A. I think about eighteen months ago, sir.

Q. Did Mrs. Atwood tell you why she wanted you to come in? A. Yes, sir.

Q. Well, what did she say? A. She said she had some things to trade, and was very happy to make my acquaintance: that she traded with another lady by the name of Mrs. Moran, but, as I had been coming so many years to Exeter, she thought she would like to trade with me.

Q. Did she tell you where Mrs. Moran lived? A. Yes, sir.

Q. Where was that? A. At Lawrence, sir.

Q. She said she had been trading a good many years with Mrs. Moran at Lawrence? A. Yes, sir.

Q. But now she was going to trade with you. Did you buy clothes there? A. Yes, sir.

Q. Such as what? A. Ladies' dresses, bed clothes, quilts and comforters, sheets and pillow covers.

Q. And what else? A. A feather bed.

Q. What else? A. Gentlemen's clothes.

Q. What else? A. Nothing else, sir.

Q. All kinds of underclothes? A. Yes, sir.

Q. And do you know what Mrs. Atwood's business was? A. Well, I suppose she was a lady that took students for boarders.

Q. She kept a students' boarding-house there? A. That is what I suppose.

Q. That is what you understood there at the time? A. Yes, sir.

Q. Well, she would give you orders, I suppose, — to make short work of it, — for what she wanted, and you would carry them and swap? A. Yes, sir; I owe her money, now, sir.

Q. What? A. I owe her money, now, sir.

Q. You owe her money, now? A. Yes, sir.

Q. That is to say, you haven't paid her for all the clothes you got? A. No, sir. She used me well, so far as I know.

Q. I have no doubt she did. Now, had you ever been at Tewksbury at that time? A. No, sir; I never was there in my life.

Q. But did she tell you anybody else where you could trade, down this way? A. Yes, sir; she told me she had a niece, Mrs. Dr. Putney, at Reading.

Q. And you could get trade if you went there? A. Yes, sir.

Q. Did you go there? A. Yes, sir.

Q. Who did you find there the first time you went? A. Mrs. Dr. Putney and her husband.

Q. Did you make any trade at that time? A. With Mrs. Putney, sir; the gentleman had nothing to do with it.

Q. You made a trade with Mrs. Putney; for what? A. Yes, sir; I traded with her for some silk dresses, common dresses, but no gentlemen's clothes of any kind.

Q. Did she tell you to come again to meet anybody, and they would have something to sell you? A. Yes, sir; I came there to meet her sister and her mother at another time.

Q. Her sister and her mother at another time, — how long afterwards? A. About, — well, a month or six weeks.

Q. A month or six weeks; and when you got there did you find the mother and sister? The time was fixed for you to come, was it? A. Yes, sir.

Q. Did you find the mother and sister there? A. Yes, sir.

Q. And what had they to sell? A. They had dresses and shawls and general ladies' wear of middling-class people.

Q. Any of the dresses silk? A. Yes, sir.

Q. And they were the wear of middling class of people; well, who was the mother and sister? A. Mrs. Davis, sir.

Q. Was the mother. A. And her daughter. — I think her name was Gertie, but I am not sure, sir.

Q. Was Dr. Nellie Marsh there at that time; the first time? A. Not at that time, sir.

Q. And the young ladies have anything to sell? A. The doctor, sir?

Q. What? A. Did you mean the doctor, sir?

Q. No, the doctor's we have; did the young ladies? A. The mother and her sold their things together, sir.

Q. Did you take away a pretty good bundle of them; A. Yes, sir.

Q. About how large; how big was the bundle? A. Well, pretty good size bundle; as large as I could carry; I could carry more if they had it.

Q. About as large as you could carry. Did you agree to meet there again? A. Yes, sir.

Q. Who was to come then? A. A lady by the name of Mrs. Marsh. I never had seen her before, sir, and I have not since, and I owe her money.

Q. You are at least honest about your debts, in acknowledging them. A. I know they can't take a blush out of me for anything else, only I got poor.

Q. What sort of a woman was that Mrs. Marsh whom you met there on the last visit, or who else besides Mrs. Marsh, — Miss Nellie Marsh, they call the doctor? A. Yes, sir; she was out of health, I believe, sir; I never saw the lady before: she said she was after coming from Europe.

Q. That she was after coming from Europe? A. Yes, sir.

Q. And she was out of health. Did they have anything to sell when you met them there again? A. Who do you mean, sir; the doctor?

Q. Dr. Nellie? A. Yes, sir.

Q. What had she to sell? A. She had some common clothes; no silks of any kind; had common cloaks, common skirts and common shawls.

Q. What kind of shawls? A. Well, she had two shawls that must have been pretty old, sir; they wasn't of much value, for I don't think I allowed twenty-five cents for them.

Q. She had three shawls that were pretty old and worn a good deal? A. Yes, sir; they seemed as though they came from some foreign country, for they were pretty old.

Q. Seemed as though they came from a foreign country because they were so old? A. Yes, sir; but they were nice and clean.

Q. But so old as to almost fall to pieces, weren't they? A. Yes, sir.

Q. Might have come over in the Mayflower, you think, from a foreign country?

Mr. Brown. Tewksbury was established since the Mayflower came over, wasn't it?

Gov. Butler. By the age of the shawls I should think it was before.

Mr. Brown. I wanted to show you weren't talking about Tewksbury, that is all.

Q. You made a trade with Miss Helen; where were these clothes? A. They came in her trunk, sir.

Q. She took them out of her trunk? A. Yes, sir.

Q. Did the old lady have any clothes? A. Which old lady, sir?

Q. Mrs. Marsh? A. I never saw her in my life; don't know her.

Q. Who was the other lady that came with the doctor? A. Mrs. Davis was there at the time, sir.

Q. Did she have some more old clothes to sell? A. Not at that time, sir.

Q. Not at that time. Did you ever go again to Dr. Putney's? A. Yes, sir.

Q. Buy more old clothes? A. No, sir. I went to buy them, sir, but they was in trouble, for this lady was dead, and, of course, they could not do anything for me then.

Q. This Dr. Nellie was dead? A. Yes, sir.

Q. You went there but there was trouble. Did you ever go there afterwards? A. No, sir.

Q. Now, did you ever go down to Mrs. Atwood's? A. Since then, sir?

Q. Since the first time you went; you haven't told me of going there but once, you know? A. Oh, yes, sir; I have been there, I think three times, sir, in my eighteen months.

Q. In your eighteen months? A. Yes, sir.

Q. And what kind of clothes did you get each time? A. Well, about the same as I told you, sir.

Q. About the same each time; a good size bundle each time? A. Well, pretty good, sir.

Q. Ladies' underwear? A. Yes, sir.

Q. And sheets, pillow-cases? A. Yes, sir.

Q. Each time? A. Not the last time, sir.

Q. The two first times? A. Yes, sir.

Q. Any towels? A. No, sir.

Q. Any comforters? A. Yes, sir.

Q. Bedspreads? A. Yes, sir; very poor, generally; they wasn't very grand bedding; they were clean, but middling class.

Q. They were clean, but pretty poor. Now, of these silk dresses, — how many silk dresses did you buy of all of them? A. Don't think I ever got a silk dress from Mrs. Atwood; don't remember that I ever did; but got one partly silk and partly thin stuff; but never a whole silk dress, as I remember it.

Q. Nellie Marsh? A. No, sir; no silk dresses.

Q. What? A. No silk from Nellie Marsh.

Q. Any from Mrs. Putney? A. Yes.

Q. How many? A. I think three, sir.

Q. Did you get them all at one time? A. Yes, sir.

Q. Got these all at one time? A. Yes, sir.

Q. And how many did you get from Mrs. Davis? A. From the old lady, sir?

Q. Yes. A. Well, I don't know, sir, whether I ever got a silk dress from her or not; but I got nice respectable cashmere dresses; nice respectable clothes from her.

Q. Nice respectable clothes; cashmere dresses? A. Yes, sir.

Q. And all these clothes that you bought from these people were scrupulously clean? A. Yes, sir.

Q. Been carefully and nicely washed? A. Yes, sir; they were all good, clean clothes.

Q. Good clean clothes, but had been washed, hadn't they? A. Of course they could not be so clean if they hadn't been, sir.

Q. I suppose so, too; but all of their bedding and comforters, and everything of that kind, had been carefully washed, hadn't they? A. Yes, sir; they were all clean, nice things.

Q. All the skirts had been carefully washed? A. Yes, sir.

Q. By the by, did you get a half-dozen of those at a time? A. Yes, sir, I did.

Q. Both white and colored? A. I don't remember, sir.

about ever getting colored, but I know I did get a half-dozen of white skirts, sir, at one time, from Mrs. Dr. Nellie Marsh.

Q. You told me, yesterday, about Mrs. Moran, didn't you? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. You never were at Tewksbury? A. Never in my life, sir.

Q. You never dealt with Captain Marsh? A. Never saw him.

Q. Nor his wife, Mrs. Marsh? A. Never saw her, sir.

Q. Nor Thomas Marsh, Jr.? A. Never saw him.

Q. Nor his wife? A. No, sir; never saw her.

Q. Nor this young man, Charles Marsh? A. No, sir.

Q. And you never dealt with any members of the family, except Dr. Putney? A. No, sir.

Q. Mrs. Davis and her daughter? A. Yes, sir.

Q. And Mrs. Atwood? A. I don't know any of the rest of the family.

Q. Don't know any of the rest? A. Never saw them.

Q. Never bought an article which you had any reason to believe came from Tewksbury, did you? A. Of course Miss Nellie Marsh's clothes came from Tewksbury.

Q. She lived there at the institution? A. Yes.

Q. But, with that exception, you never bought an article which you had any reason to believe came from Tewksbury, did you? A. No, sir.

Q. (By Gov. Butler.) But whether it did or not you don't know? A. Don't know.

Mr. Brown. Well, what she don't know isn't evidence.

Gov. Butler. Pardon me, but the fact she don't know is evidence. Do I now understand, Mr. Brown, that we have all the books?

Mr. Brown. I could not possibly give you the slightest information as to what you understand.

Gov. Butler. As to what?

Mr. Brown. As to what you understand. I can tell you what the facts are, with a moment's consultation.

Gov. Butler. I generally understand the facts when I hear them.

Mr. Brown. Yes?

Gov. Butler. Now, go on.

Mr. Brown. Books about what?

Gov. Butler. All the books from Tewksbury, wherever any account has been kept about anything there at Tewksbury. Let us not have any fencing about it; everything; no dodging anywhere.

Mr. Brown. No, I don't dodge. There is no occasion to dodge from you, my friend, ever. If you want private books, and you will tell us what you want, we will produce them. If you want the public records of the institution, we will produce any that have not been produced that we have been able to find.

Gov. Butler. I want all the books, and this is the fifth or sixth time asking.

Mr. Brown. Call it the twelfth.

Gov. Butler. And if the committee prefer to be played with I have no objection. I want all the books in which any accounts are kept, or ever have been kept, at Tewksbury, whatever may be the private property in the books. Have I got all those?

Mr. Brown. I believe you have got all the books that belong to the institution. When you call for private property, and you will specify in your call what you want, we will produce it if we have it. I don't think a man is bound to produce his private property here in this investigation unless he knows something about what is called for.

Gov. Butler. It is the ordinary case, may it please the committee, where a man is summoned in with all his books and papers. No man who is not the owner of the books or the keeper of them can specify; and, if the rule of law was that you should specify, the door would be wide open for fraud. Therefore, there is no such rule of law. I can summon and do summon men in every court where I am practising, to bring all their books and papers relating to the matter under consideration. The matter under consideration here is the accounts of Tewksbury, and I have over and over called for them, and they have been brought little by little, here a little and there a little, and, at last, we have come down to the question whether the clerk had another book still he has not brought. And he was directed by the committee to bring that book. He claimed private property in it; he thought he had bought it for another purpose, but had used it for the purpose of keeping the accounts of the institution, or some part of it. Now, no man can set up property in the books to keep from producing the books of the

institution. Under that order last made, five books, I think, — I may be wrong in number, but I have a schedule of them, — five books were produced. The schedules of appraisements made by law, — we have got those, which had not been produced before, although no private property is claimed in them, and although we had been, under oath, told that we had all the books, and at that time all that he knew, except a small memorandum book. There was then some books of monthly estimates or accounts; but there was a number of these, so they could not have been that book which was sworn to, in the draw, as his private property. And, now, I want an answer to my call. If there are any books, under these circumstances, it is a contempt of the committee which, in any court, would be visited with condign punishment. It has been impossible for me to get, — I have been trying for weeks to get a satisfactory examination of this business, of the business of the institution. For want of these books we have been kept back. And, Mr. Chairman, there was an attempt to cripple us. To show that you are not dealt with in good faith, a letter was written that this institution could not get along unless it had its ledger No. 2 and its journal No. 2. And, then, it turned out that they hadn't been written up, one for four months, — one for five months and the other for two years, three years before the investigation. Now, would any court permit itself to be dealt with in this way? What am I to do? I cannot finish the examination because I cannot get the books. I should have long since, but, when we come to trace the matter out we find a stop, in more instances than one, and for want of these books. Now, I move that the committee call upon the counsel, or call Mr. Charles Marsh upon the stand, and have his oath that we have every book that any account was ever kept in or that we have not; and, if we have not, that he be ordered to produce it.

The Chairman. Mr. Marsh, will you please step forward. I supposed the books had all been delivered to the committee.

Charles B. Marsh (*recalled*).

Mr. Marsh. I don't know of any account-book in the institution to-day. Everything that I know of in the shape of an account has been turned over to the committee.

The Chairman. And the Governor has everything the committee has had, so far as I know.

The Witness. Anything in the institution, or in my posses-

sion, or that I know anything about anywhere, has been turned over to the committee.

The CHAIRMAN. Governor, you can examine him, if you choose.

Q. (By Gov. BUTLER.) Have I that book which you spoke of in your drawer? A. That book has been sent to you, sir. I bought that, — shall I explain why I called it my private property?

Q. Yes, in a moment. That contains the accounts of what, sir? A. It is not an account: it is simply picking out from the schedule of the monthly expenditures to put in my annual report, which I formerly kept on paper and now keep in that book.

Q. Then there are four books from which you made up your annual statement to go to the auditor, which have been kept back till this last time? A. No, sir; I can make up my annual account without these books.

Q. I don't ask you that, whether you could do it; I ask you if these books did contain that from which you made up your annual statement, just as you said here now. A. These books are copies from my original entries.

Q. So is your ledger.

Mr. BROWN. I submit he ought to have a chance to answer the question.

The WITNESS. I consider these books of so little account that they need not be sent back to the institution at all, and the accounts can be made up just the same.

Gov. BUTLER. I am much obliged to you for your consideration.

Q. How many years have you kept them? A. Kept what, sir?

Q. Kept these books? A. I have not kept them in that form that I know of —

Q. How many years have you kept these books in some form? A. I always have to pick out the annual report —

Q. That is not any answer to my question. How many years have you kept these books in some form? A. I have kept them ever since I have been there; that is, fourteen years.

Q. And you have procured books to keep them in, didn't you? A. No, sir; I don't think I ever bought a book to keep them in; I found books in the institution.

Q. You found them there? A. I took anything that had blank paper in it.

Q. And you have kept them for all the years you have been there. Now, sir, knowing that these books were in the institution, why did you swear, upon your oath, the last time I examined you, that you had sent all the books of the institution here?

Mr. Brown. Now, I pray the judgment of the committee. This witness has asked to make an explanation and he has been prevented. I submit, before that question is answered, he should have a chance to make an explanation.

Gov. Butler. His explanation will come when I get through with him. I cannot be interrupted by his explanation.

Q. Answer this question: Why, with these books, kept in some form, out of which the annual reports were made up ever since 1869; with them in the institution, why did you swear, here, on your oath, that you had returned all the books to me?

Mr. Brown. He didn't swear anything of the kind. I pray your judgment; he didn't swear anything of the kind.

The Chairman. Let him answer, and explain with the answer.

Gov. Butler. I know what he swore, and it is in the record.

Mr. Brown. I know what he has sworn. My knowledge is as good as yours.

Gov. Butler. Then there was some mental reservation.

A. I sent to the committee all the books of the institution, the last time but one, that I knew of. I have found books stowed away that I never saw in my life till I sent them to this committee; and, among others, is that original cash-book, which I never saw in my life; never opened the book; and, when you told me, the other day, there were other entries in the book, I knew nothing about it. I sent you the book just as I found it, without having looked into it; didn't know what it contained, at all. And I found, after you took it out here, there were leaves taken from blanks formerly used in the institution as an inmates' cash-book. I never saw the inside of that book in my life. These books I have dug out from boxes and closets; I never saw them before in my life. Possibly there may be books there now I don't know of, but I have sent you everything I know anything about.

Q. Have you finished your explanation? A. For the time being, yes.

Q. Now, sir, you have given me a very long story about something that I never inquired about at all. I have not been inquiring about books that you never saw before in your life, at all. I have been inquiring about a set of books there which you made up your annual account from every year of your life while you have been in that institution as clerk, — why didn't you bring these, instead? Why did you leave these behind while you dug out books that you never saw? A. I don't think I made up reports every year of my life from these books. Sometimes I kept it on the pieces of paper, which is just as convenient: I have not kept them up every year.

Q. These you have kept up many years, — now, you are fencing again. A set of books you have kept up many years. A. Because, I considered, when I sent you the original books, that copies were of no account. You told me once you didn't care anything about copies.

Gov. Butler. I never told you that. Copies are very valuable, sometimes.

Mr. Brown. Beg your pardon, the record shows you did.

Q. You knew these books were there, didn't you? A. I did, sir.

Q. When you swore you had given them all? A. I think I had sent you the original book. That was a copy, and you said you didn't care for copies.

Q. Was that the ground you put it on when you were asked last time? A. It was, and I had no other ground of putting it on.

Q. Didn't you put it on the ground that one of these books was your private property? A. I admit I did with one, and I still claim it is my private property.

Q. Did you put forward any other ground except there was one book there that was your private property? A. No, sir: and there is no reason under heavens why you shouldn't have had that book except it was my private account.

Q. I agree with you, except that I could not get it. A. You could have got it if you said you wanted it.

Q. How should I know it was in existence? Now, sir, didn't you swear that you had sent all the books on which any account was kept of this institution, except this one book that was in the drawer, which was your private property? A. I didn't consider that any account of the institution.

Q. I don't ask that; didn't you so swear? A. If I did I meant what I said.

Q. Now, then, there were these four books, which contained the data from which you, more or less, made up your return to the auditor of the Commonwealth, weren't there? A. I could not swear that I made up my returns from these books.

Q. I don't ask that; from which you, more or less, — you won't escape me in that way. — there were four books, then, from which for years you had made up, more or less, your returns to the auditor of the Commonwealth, still left behind, and you knew it, didn't you? A. I don't know that I thought anything about it.

Q. But this one that you did think about, and claimed was your private property, was one of these books, wasn't it? A. That is all; I claim it still.

Q. Then there were three more you didn't claim. You thought about the one with the accounts in it; why didn't you think of the other three? A. Because they were so little account; I kept them in the book-case, open to anybody; never thought of locking them up even; they were never locked up. I considered them so much memorandum paper, waste paper, no account at all. And I don't think they delayed you any in examining these books, either.

Gov. Butler. I am much obliged to you for your opinion.

The Witness. You are entirely welcome.

Gov. Butler. I didn't ask that. You give me so much that is different from what I ask you. If you will answer my questions.

Q. They did aid you, year by year, in making up your account to the Commonwealth? A. I don't know as they did.

Q. Didn't you use them for that purpose? A. No, sir.

Q. Didn't you keep them for that purpose? A. No, sir, I did not.

Q. Did you have any purpose in keeping them? A. Yes, sir; so I could see, if the superintendent asked me how many barrels of flour we bought within a certain month, I could tell him without going over all my books in finding out.

Q. That was an aid, wasn't it? A. It was an aid for that particular purpose, but not in making up my annual account.

Q. Did you use them in making up your annual account? A. I don't know whether I always did.

Q. I don't ask you whether you always did; did you any time? A. I think likely I did use these.

Q. Don't you know you did? A. Well, I suppose I did.

Q. Don't you know you did? A. I don't remember to know whether I did or not, because I used to take these off, in the first place, on a sheet of paper, and then I would copy them from that.

Q. Then you would first copy them on a sheet of paper and then copy them into a book, although they were of no earthly consequence? A. Always did so, and I have the original papers at home these were made up from.

Q. Then there is some behind, yet? A. Plenty of blank paper in the office.

Q. I am not talking about blank paper, I am talking about accounts. A. Paper written on.

Q. You could take these books and turn and find out exactly how much of a given article was bought from month to month, couldn't you? A. But I could do it a good deal easier from these papers.

Q. You could do it from these books? A. I could do it from these books, but from the papers easier.

Q. And that would be easier than looking over from month to month and making the calculations, wouldn't it? A. I think not; I made up my accounts from the papers.

Q. I don't ask how you made up the account. Won't you answer my question? A. I will, if I can understand.

Q. When you think you don't understand the question tell me and I will ask it over again, make it plain to the commonest capacity. Now, I want you to tell me whether these books didn't aid you in finding out from month to month what was used in that institution? A. They did, when I consulted the books; yes, sir.

Q. They were kept for that purpose, then? A. Yes, they were.

Q. Why, then, wouldn't they aid me in that same way, if I could get them, and see what was used from month to month, instead of having to go over all the other books and go all through them to find out? A. If you wanted to find out what was used in any particular month it would.

Q. Precisely. Why shouldn't I have the advantage of having these books produced first? A. Because I thought I had

given you better aid than that; I had given you the whole amount for the year; I had given you the result of my work.

Q. But you didn't give me so I could detect the carrying off at any month. A. To do that I should have to give you a lot of papers I have torn up.

Q. Precisely so. Then, if I could have all the papers, I could get along very nicely, — books and papers. A. I don't save all the papers I figure on any more than anybody else does.

Q. I mean all you have saved. A. I haven't saved any except those which are complete copies of these books; I don't know as I have.

Q. Then if they are complete copies of these books, how could I get along any better with the papers than with the books? A. Because I put down there the items. That is, in buying our flour we will buy 50 barrels of one man and 125 barrels of another; on the book it is all aggregated as purchases of flour for the month, but on these papers are the amounts of flour itemized.

Q. Then I could get along still better with the papers? A. These papers, — I don't know as I have saved them all.

Q. What did you make the papers up from? A. The papers I made up from my journal, which you have.

Q. Everything on the journal? A. Everything is in the journal that I had on my paper or that is in that book.

Q. Of course; everything that is in your account that is sent to the auditor. A. You have all my accounts.

Q. Now, will you tell me this: will you now say, so that we shall have no mistake hereafter, — I observe that you said, in answer to the chairman, that I had all the books that were ever in the institution— A. Or out of it, I said; or in my possession. — I added that; or that I know anything about, anywhere.

A. Have we all the books that you ever did know anything about? A. Yes, sir, you have.

Q. Of any and every nature, now? A. Yes, sir.

Q. Little and big? A. Little and big.

Q. I wanted to ask you if, for a considerable time, there was a watchmaker in this institution? A. We have had a good many trades; I think we had a watchmaker.

Q. Don't you know you had one? A. Yes, I remember the man.

Q. And his name was Lowell? A. Abiel Lowell.

Q. Well, now, did he do business for anybody outside? A. Not that I know of; I don't know anything about his business.

Q. You take away all the watches from the patients when they come in, don't you? A. No, sir. A great many of them wear their watches. And, after leaving his watch, if a man should come and say that he wanted his watch it would be given to him.

Q. Any entry of any such transaction? A. Sometimes when a watch was given up we should show it was given up on that book.

Q. Any entry except that the watch was erased? A. No, sir.

Q. Is there any account ever kept of a single watch given up? A. Nothing, except when a man goes out and takes his property it is marked the day he goes out, that it is paid.

Q. By putting a line through the figures of his money? A. No, sir; the first thing is, the date of his discharge from the institution is put down; and then, when that is settled, I cross it out with a red line, to show that there is no more to do with that account.

Q. Is there a single case where the watches are crossed out? A. I understood you to say there had been; I understood that to be the case, that whenever anything was given up it was done in that way.

Q. I beg your pardon: I am not asking you to come to me for knowledge about your own books. Is there any case where a watch is crossed out? A. I don't know, sir. I can tell better by seeing the books.

Q. Do you know of any case where it has been done so? A. I know where watches have been given up.

Q. Now, sir, have you got, or ever had, any bank-books in your possession except those that have been here? A. Yes, sir, I have some still in the safe drawer. I have always given them up when Mr. Wrightington has claimed or asked for them.

Q. How many have you in the safe drawer? A. I should say, belonging to inmates who are there, and of those who have died or absconded, there might be six or seven. I never have counted them.

Q. There may be six or seven. How many of those will you bring now? We have got another class of books that I want; will you bring me all? And is there any account of those any-

where — those bank-books? A. I think they are charged on that book, — or credited to the inmates.

Q. Is there any account as to the credit on the books? A. I never take any account of what is on the bank-book; I simply put down "bank-book."

Q. Bk? A. Yes, sir. Bk. bk.

Q. Is that all the account? A. That is all the account I know anything about.

Q. Is there any account of when those books are transferred to anybody? A. I think likely when I first went there I was not so particular as I am now. Of late years when I have given them up to Mr. Wrightington or to anybody else I have taken a receipt. I think I have learned something about the business, and I have learned something more here. I think I should know how to do it next time.

Q. Will you tell me whether there is on that book a single statement of a bank-book given up? A. On the inmates' cash-book?

Q. Yes, sir; where the only record of the bank-books exists. A. I should say there was one entry where a bank-book was given up to Mr. Wrightington, but I would not swear to it.

Q. When was that? A. It was sometime recently; I don't remember the date.

Q. Well, within six months? A. I should think within a year.

Q. Except that is there any? A. I don't remember of any other; I would not be positive about that.

Q. Did you enter all the bank-books on that book? A. I don't know that I always did.

Q. If you did not enter them on that book did you enter them on any other? A. No, sir.

Q. Then what evidence would there be to the inmate that you had his book? A. There never was any receipt given for the bank-book.

Q. I know there was not; and if you didn't enter them all he was wholly at your mercy, wasn't he? A. The same as I am at his mercy; yes, sir.

Q. Why so? A. Because I consider myself at the mercy of any inmate I ever take any money from.

Q. But the difficulty is this, there is no evidence. Suppose you should die, where would be his evidence that you had it? A. Well, the bank-book is there with his name on it.

Q. How does he or anybody else know that? How do you, even, know it? A. I know it from my drawer in the safe, that there is the book, with his name on the book.

Q. Now, why didn't you enter all the bank-books? A. Well, possibly a bank-book might have been brought to me after he had been admitted to the institution, and I neglected to put it on the book.

Q. How many cases of that kind are there? A. I don't know, sir. I don't think I have more than six or seven bank-books.

Q. I know. These are bank-books we have. Now I want to know about the bank-books we have no account of. A. I cannot tell you anything about what I don't know anything about.

Q. Will you swear there are not more than five cases where you haven't entered a bank-book? A. I would not swear that there was one.

Q. Will you swear there are not five? A. No, sir; I would not swear anything about it, because I don't know.

Q. Will you swear there are not ten cases of bank-books unentered? A. No; I am pretty sure I have not got ten.

Gov. BUTLER. Oh, yes; you have had more than ten.

The WITNESS. Well, taking what you have and what I have together, and it is possible there are ten.

Q. Well, they came from you, originally? Now will you swear you haven't had more than twenty? A. A great many of those you have did not come from me originally. I never had them in my possession. They were in the possession of former clerks and turned over to Mr. Wrightington before I went there.

Q. How many? A. Not a great many; but some.

Q. Which one? Here is the list he gave me yesterday, from 1874. [List produced.] That is the list. The first he received was in 1875; and you had then been clerk from 1869; you had been there six years? A. Yes, sir.

Q. And he said he received it from you, didn't he? A. I don't think he did.

Q. He received it from the institution? A. He received it from the institution, but I don't think it was in my possession.

Q. Whose possession was it in? A. Of whoever was clerk there at the time. I was assistant clerk. I should say I took

possession of whatever there was there about 1877 to the best of my recollection.

Q. Who was clerk when you were assistant clerk? A. My brother.

Q. Then he was clerk and you were assistant clerk. Now, since you have been there, since 1877, you have had full charge. Will you swear that you have put on the book or made any entry of all the books? A. I will swear that every book is on the book, or I will give them to you —

Q. What? A. They are on that book, or will be in your hands to-morrow. All that I know anything about or have ever seen.

Q. Why have they been retained, those books, and the knowledge of them, down to this date? A. I didn't consider that you were asking for inmates' bank-books. I don't know that I have any business to give up inmates' bank-books.

Q. Why, some of the inmates that owned bank-books are dead, aren't they? A. Yes, sir. But am I obliged to give them up to everybody who asks for them?

Gov. Butler. No, sir.

The Witness. I didn't think anything about inmates' bank-books.

Q. Have you any reason now that you hadn't before? A. I have no special reason.

Gov. Butler. Then if you haven't, say so; and don't undertake to formulate a reason now on examination under oath.

Q. Now, when an inmate was transferred from your institution was the bank-book always given to him, or to the officer? A. Always given to him or to the officer.

Q. Sure about that? A. Possibly if I didn't have it on the book I may have forgotten it.

Q. If you didn't have the bank-book on the book? A. I think I gave one bank-book to Mr. Wrightington after the inmate went out.

Q. Is there any other case except this, in which you gave the book to Mr. Wrightington? A. Possibly, there may be other books in my possession that inmates have had which should have been given up if called for.

Q. That is not the question I ask you. Strange you won't answer. In any case when a live person was transferred elsewhere, sent away from your institution under an officer, is the

bank-book as well as the cash-book given to the officer? A. Possibly the bank-book might have been forgotten.

Q. Why should it be forgotten? A. Well, if I didn't have it on the book it might be forgotten.

Q. That is another disadvantage in not having any record? A. Yes, sir; I can see it now.

Q. Now, how many cases of that sort do you say have happened? A. I don't know, because the number of bank-books I have had in my possession is not very large.

Q. It don't reckon by thousands? A. Nor dozens.

Q. Nor dozens? A. No, sir.

Q. Now, when a man is transferred do you give the money to the agent? A. Well, when a man is transferred to an insane hospital —

Q. Transferred in any form? A. Yes, sir; that was the custom if the institution, the custom I have always kept up, that whenever a transfer was made the effects should be given to the officer having charge of the transfer.

Q. And in that case have you charged it to the officer? I see there is some here marked, "Paid Doane." A. Not until recently; that I have done lately.

Q. Lately, since you have learned to do it, the money has been charged to the officer, put down as paid to him, whoever made the transfer. Have you entered any jewelry on the book? A. The jewelry I have not, of late years, taken any account of; I should say, for four or five or six years.

Q. Before that, how was it? A. I don't know what the custom has been; it may be there.

Q. Is there any entry of jewelry or personal ornaments? Rings are the last thing a married woman parts with. A. Usually, they wore all the rings they had.

Q. Is there any entry on the book at all of that? A. Not on any that I have, unless there is some entry there.

Q. Do you know, will you now swear, that you have ever made an entry in your life of any jewelry? A. I would not swear, for I don't know whether I have or not.

Q. And all the record, if any, is on this? A. That is all that I know anything about.

Cross-examination by Mr. Brown.

Q. A single question, Mr. Marsh. These four books that the governor has been complaining about that you haven't pro-

duced, are they anything except little memorandum-books kept upon slips of paper? A. They are simply for my own personal convenience.

Q. Now just explain the purpose for which you kept these books? A. Usually, after the schedule for the month is paid, I take my journal and pay-roll, and take off the gross amount paid for each article, flour, pepper, and groceries of all kinds, and put it on my book or paper. This copy I sometimes keep for three or four months, and whatever I want to know or the superintendent wants to know, I take off from this paper. Later in the year I copy them into this book, or these four books which I have brought down. It is rather more convenient if I want to get at the whole number of barrels of flour, than to get it from my paper. If I want to get the number of barrels of flour bought from one person I can get it.

Q. Now is that anything more than a convenience by which at a moment's notice you can tell how much flour, sugar or pepper has been bought in a year? A. That is the only purpose it is used for.

Q. And it being for that purpose you have bought the book yourself and paid for it? A. I have; I bought the book to keep my housekeeping expenses in.

Q. And your own housekeeping expenses were kept in that book? A. No, they were not. I found my wife was keeping them a great deal better than I could, and I turned the book over to the State.

Q. (By Gov. Butler.) And now you claim it as personal property? A. I turned it over for that purpose, but I claim the book still. It is my book. I put that work into the book, and I don't consider that the book belongs to the State now. I have had the book in my house, in my possession; it never belonged to the State at all. And, as I told you, I found my wife was keeping the account of housekeeping expenses, and there was no occasion for my keeping them.

The Chairman. We will close the public hearing now. The committee desire to confer with the governor and Mr. Brown, and will ask the public to retire now.

Gov. Butler. [Exhibiting certain books.] There are the books.

Adjourned to meet on Wednesday, May 9, at 7 P.M.

TWENTY-FIFTH HEARING.

WEDNESDAY, May 9.

The committee met in the Green Room at 7 P. M., Senator LORING, of Worcester, in the chair.

The CHAIRMAN. Now we have a quorum and are ready to proceed.

TESTIMONY OF DR. HENRY WOOD (*sworn*).

Direct examination by Gov. Butler.

Q. Dr. Wood, what is your first name? A. Henry.

Q. Are you attending physician at the city hospital? A. I am house surgeon there; yes, sir.

Q. Do you know Charles Johnson, who had both feet taken off? A. Yes, sir.

Q. Have you examined your records to see what time he was there? A. I have.

Q. Have you memorandum with you? A. Yes, sir. [Producing a book.]

Q. Won't you say at what time he was there? Ah, you have the record itself? A. I have one book.

GOV. BUTLER. Last year is what we want, sir. He said he left Tewksbury at one time, and the records show that he didn't, and he said that at that time he was at the city hospital.

The WITNESS. The first time he entered the hospital was May 26th, 1881; discharged June 13. The second time was March 9; discharged May 3. The last time was December 5; discharged January 15, 1883.

Cross-examination by Mr. Brown.

Q. Those records are kept by whom? A. They are kept at the hospital in the steward's office.

Q. In whose handwriting is it? A. This, I should think, was L. F. Woodward's writing.

Q. And not your own? A. No, sir.

Q. How came you by the book? A. I am house surgeon on that side.

Q. Now, won't you turn to the entry where he first entered the hospital? A. That is in another volume, sir. This is the one the superintendent gave me, and it don't go any further. There are three volumes.

Q. Have you been testifying from a volume you didn't have with you? A. I testified from the records I took from a volume I saw this afternoon.

Gov. Butler. The only important one is the last one.

Mr. Brown. I didn't hear your remark.

Gov. Butler. The only disagreement was in the last year. He said he left Tewksbury in March and the record indicates that he didn't.

Mr. Brown. I think that was all satisfactorily explained. There is no doubt he did leave in March, but he was not formally discharged until some time in April. I think there is no difficulty about that.

Gov. Butler. No; the only difficulty is about the date when he got his money.

Q. (By Mr. Brown.) Now, what have you in this book in relation to Charles Johnson? A. I have the record of his case as he entered March 9, and was discharged May 3.

Q. What year? A. 1882.

Q. March 9, 1882? A. Yes, sir.

Q. And this is the record of his case? A. Yes, sir.

Q. Now, how is that record made? A. It is made by the junior house officer.

Q. [Referring to the book.] I notice here is what you call a clinical chart. What does this indicate? A. The upper irregular line indicates the temperature taken morning and night —

Q. The temperature of the body? A. Yes, sir; and the lower one, the pulse, taken at the same time.

Q. Now, won't you read the record in regard to Charles Johnson? As I understand it, that is the first time he entered the Boston city hospital? A. This is the second time, sir.

Q. No, but the first time after he left Tewksbury. That is to say, he went to Tewksbury, if I understand, in June, 1881, and he stayed there until this time, when he went to the city hospital for an operation.

Gov. Butler. Before going, he came down and stopped at No. 8 Hamilton Place.

Mr. Brown. Very well; now I want you to read to the committee that record in regard to Charles Johnson's case.

The Witness. [Reading from the record.]

"Charles Johnson; 35 years old; single; born in Sweden; lives at 5 Hamilton Place; machinist by trade."

"Diagnosis: ulceration of the stump. Reamputation."

"March 9. — Two years ago last January was run over on the Worcester & Nashua Railroad. Both legs amputated at Worcester city hospital by Dr. Warner. Was very badly bruised and shaken up, and did not do very well. Recovered finally, with two conical stumps and i necrosis of the right stump. About two inches of the right tibia separated and came away. The stump was reamputated and the fibula shortened to the length of the tibia, by Dr. Martin of Worcester. Entered the city hospital last May, on the south side, for necrosis of the stump (*Vide* vol. 96. page 134.) Still has considerable trouble with both stumps, particularly the right one, which is very conical. The skin is thinned and stretched tightly over the end of the tibia, and has now worked over, making an ulcerated surface about two and one-half inches long, which is so tender that he cannot use his artificial limbs There is also a small sinus over the end of the right tibia, and pressure on the end of the bone is painful."

"11. — Treatment: poultice."

"14 .— Patient etherized. Dr. Cheever reamputated the left leg four inches below the tuberosity of the tibia. Anterior and posterior flaps made, and wound done up in a lister dressing. No spray used. The ulceration on the other stump was very superficial, and no sinus was found."

"16. — Dressing changed to-day. Stump looking very well. Spray used in changing dressing. Discharge slight."

"Ordered: Subcu. Magend. M.V. ev. 4 hrs., S.O.S."

"Treatment: wound to be dressed with carbolic oil under lister gauze."

"18. — Patient entirely comfortable. No pain. Ordered: omit subcus. Tube removed."

"19. — Patient troubled with pain in abdomen and obstinate constipation.

"20. — Pain in abdomen continues Treatment: R. Tr. opii. camph. ʒi. Extr. Ginger fl. m. xx."

Mr. Brown. Now, unless His Excellency wants you to proceed, that is as far as I care to go. I wanted to get at what your record shows in regard to him when he entered, so far as it is

possible to get at it. Now, I want you to tell me: I notice you use the words "necrosis of the right stump." What does that mean?

The WITNESS That is understood to be a condition of the nerves so painful that the patient seeks relief for the pain.

Q. Then you speak of the other stump being conical. What do you mean by that? A. It means like a cone; instead of being a good cushion the skin over the bone is contracted so closely that the bone presses upon it.

Q. Were you present and did you examine this man before the reamputation of this limb took place? A. At this particular time?

Q. Yes. A. No, sir.

Q. I notice he was etherized on the 14th. Before he was etherized on the 14th did you examine this man? A. No, sir.

Q. You know nothing about this man's condition, except what you found on the record? A. No, sir. At that time I was not house surgeon.

Q. Now, sir, from what you see on that record do you necessarily infer that the previous amputation had been imperfect, or do you infer that he had lacked proper care, or that the fracture was of such a character as to make it very difficult to make a successful amputation? What do you infer from what you see of that case on the record? A. As far as I am able to judge I should say that the conditions could arise from wearing an artificial limb.

Q. That is to say: all you find on that record concerning Charles Johnson might have been induced by his use of an artificial limb? A. I think so.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) And if you learned that he didn't use an artificial limb, and learned that he had to go on his knees through the snow and water, would not that be quite a sufficient cause for all you saw? A. I didn't see, sir.

Q. I say for all that you saw of his condition, — would that be a *causa causam?* A. I am not competent to say fully that it is the only cause; I never had occasion to see what you describe. I have seen these conditions arising from the use of an artificial limb.

Q. Can you tell me whether such a condition of things as I describe would be in your judgment a sufficient cause for finding this inflammation of the stump, accompanied by irritation of

the nerve and the symptoms you have described? A. Possibly by exposure to the cold sufficient to cause destruction of the tissues; in their healing they cause contraction over the limb, which would result in the same way, I should judge.

Q. Or from the cold and the inflammation setting in and the limb swelling; would not that cause the same thing? A. Not without destruction of the tissues; I think not.

Q. By destruction of the tissues you mean the wearing off or the cutting off in some way? A. Yes, sir: sufficient effect to break open the ulcer, as we call it.

Gov. Butler. That is all.

Testimony of Joseph W. Gilray (*sworn*).

Direct examination by Gov. Butler.

Q. My expert is not here, and he has certain papers in regard to which I wanted to examine you, Col. Gilray. You are in the employ of a firm of coal dealers? A. Bangs & Horton, agents of the Lehigh & Wilkesbarre Coal Company.

Q. I asked you to furnish me with some copies from their books in the matter of coal. A. Sometime ago: yes, sir.

Q. On which were certain memorandum in red ink? A. Yes, sir; by way of explanation.

Q. And you furnished me the account of coal with the State and the account of coal with Capt. Marsh. A. Yes, sir.

Q. His private account? A. Yes, sir.

Q. How many years— And you furnished me with the letters — you sent me that in a letter? A. How many years?

Q. No, sir; I change my question. You sent those to me in a letter? A. Yes, sir. Mr. Horton wrote the letters — signed by Bangs & Horton.

Q. You made the examination? A. I looked over the books, but the book-keeper had more to do with it than I did.

Q. Afterwards you verified it? A. Yes, sir; we together

Gov. Butler. I meant to have had those papers, but I will have them here in the morning.

The Witness. Ha'n't you better send for the book-keeper? He can give you a good deal better information than I can: he is the man who made the figures.

Gov. Butler. Very well. Then I want to ask you a single question.

Q. Whether you can tell us how many years you had the

contract, or your firm had the contract to furnish this coal? A. Three in all.

Q. Then it has gone to other firms when you didn't get it? A. Yes, sir.

Q. Whether Mr. Nourse, Mr. F. H. Nourse, who has some position on the Lowell Railroad, whether he did the bargaining? A. Well, we had a good deal of talk with Mr. Nourse, always: but whatever we had with Mr. Nourse was very indefinite. The bargain was practically made with Capt. Marsh; that is, we made the bids on his requesting; and the letters that were sent were signed by Capt. Marsh, asking for bids for this coal.

Q. But prior to that time you had considerable talk with Mr. Nourse? A. Yes, sir.

Q. Now, do you know whether any of the coal, which you furnished either to Marsh or to Tewksbury, went to Exeter? A. Yes, sir; every year, I believe, one or two carloads went to Exeter.

Q. One or two cars directed from Boston. Do you know whether your firm paid the freight on those cars? A. In some instances they did.

Q. Those appear on the books? A. Yes, sir; that is all explained in the papers that were sent you.

Q. Then I will ask the book-keeper about them. Will you ask him to come up here in the morning? A. Yes, sir.

Gov. Butler. At half-past nine, — we shall meet to-morrow morning, Mr. Chairman?

The Chairman. Yes, sir.

Q. (By Mr. Wolcott.) Will the witness give his full name? A. Joseph W. Gilray.

Cross-examination by Mr. Brown.

Q. Wait one moment. You were connected with this firm when? A. I have been there nine years, — nearly nine years.

Q. About three years ago, was it, that Capt. Marsh began to buy coal of you, of your firm, of your house? A. 1878 was the first time.

Gov. Butler. They furnished it for three different years.

Q. (By Mr. Brown.) Were they three consecutive years? A. No, sir.

Q. Not three consecutive years. When was the first year? A. 1878.

Q. When was the next year? A. 1879.

Q. When was the third year? A. 1881.

Q. Why didn't you deliver the coal in 1880? A. Well, we understood we didn't get low enough.

Q. Somebody else got lower? A. Yes, sir.

Q. Do you recollect what your price was in 1880? A. The General has it all.

Gov. Butler. You will see it on the books.

The Witness. I can give you the price. What year, sir?

Q. In 1880. What was your offer in 1880? A. I have not got that.

Q. That you haven't got? A. I think our book-keeper has it.

Q. Now, you say coal went to Exeter. Do you know how much went to Exeter? A. Now, that is all down on that memorandum.

Q. You don't know anything about it personally? A. Only that I shipped it. That is all.

Q. Do you know whether it was paid for or not? A. Well, I didn't receive the money. Our book-keeper or cashier received the money. Of course it all goes through the books.

Q. To whom was it billed? A. There was one lady, a Mrs. Davis, I think, at Exeter; and I think there is another, a Mrs. Atwood, or some such name as that.

Q. And how much coal should you say was sent? A. There was not more than two cars in either year.

Q. You don't know who paid for it? A. Well, not of my own personal knowledge. I didn't receive the bills or check.

Gov. Butler. Wait until the clerk comes; he will tell you about that.

Mr. Brown. No, I don't propose to leave it in that way; you have flung out here that coal has been sent to Exeter. Now I want to know whether this witness is going to allow it to rest that this coal was paid for out of the funds of the Commonwealth.

Gov. Butler. I don't depend on this witness at all.

Mr. Brown. And you don't make that claim on this testimony?

Gov. Butler. Not on this testimony.

Mr. Brown. Very well; then that is all.

Gov. Butler. But I will convince you that the coal was

paid for out of the Commonwealth's funds before I get through, or I will make a mistake.

Mr. Brown. You have got a pretty long job before you, for I happen to know how that coal was paid for, and that is not the way.

Gov. Butler. Yes, we will see. I will now call Mr. John Bacon.

Testimony of John Bacon (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live now? A. At Woburn.

Q. What is your business? A. Tanning.

Q. How long have you lived in Woburn? A. About four years.

Q. What has been your business? A. For thirty-nine years tanning and finishing leather.

Q. What is the name of the tannery where you do tanning? A. Of late years it has been called the tannery of C. J. Bishop & Co. I once carried on the business myself.

Q. At any time did any human skins come to your tannery — or parts of them? A. It was what was said to be.

Q. What was said to be human skin? A. Yes, sir.

Q. When did that come? When was that? A. I should think it was in 1876.

Q. Who brought them, do you know? A. I think my son brought them to Woburn.

Q. Your son brought them to Woburn; was he the young gentleman who testified here the other day? A. Yes, sir.

Q. Do you know where those pieces of skin now are, any of them? A. I do not.

Q. Who tanned them, sir? A. Some of the men that were on the premises.

Q. And those men were who — Malloy? A. Malloy was one.

Q. Reddy? A. Reddy was not a tanner.

Q. A currier? A. A currier. He worked in the currying shop.

A. And Doherty? A. Doherty.

Q. And that was in 1876? A. Well, sir, I would not like to swear it was in 1876. It might be 1877; it was somewhere in that vicinity.

Q. What tannery was that called at that time; at the time this skin was tanned? A. It was C. J. Bishop & Co's; but I

wish to say here that C. J. Bishop and Co. — there didn't either of the firm know anything about the tanning of this hide.

Gov. Butler. Very like.

The Witness. I don't care to mix them up in the matter because they are a firm doing business here in the city.

Gov. Butler. I never heard that they did, sir. The reason I ask for the name of the tannery was to distinguish this hide from some that we have had tanned in another tannery. I never heard that they did have anything to do with it, sir.

Q. Take one piece of the skin and what part of the body did it come off of? A. Well, sir, I could not swear. I could not swear to that, sir; I might make a mistake.

Q. You looked at it? A But not to calculate what part of the human body it came from.

Q. Was it the skin of one body or of two, or all from one body? A. Well, sir, I understood that it was a piece of negro skin and a piece of a white person's skin. I could not swear myself that it was. I didn't see them until they were in the process of tanning. I could not say whether it was black or white, because I didn't see them until they were in the process of tanning.

Cross-examination by Mr. Brown.

Q. This Dr. Bacon is your son? A. Yes, sir.

Q. And at the time that he was in the Harvard Medical School you were connected with this firm of C. J. Bishop & Co. who were tanners? A. Yes, sir.

Q. What was your employment there? A. Overseer.

Q. And you took this skin in and tanned it, I suppose, at the request of your son? A. Yes, sir.

Q. Because he wanted this skin tanned; and you were very careful not to let your employers know what you were about? A. Yes, sir.

Q. Just the same as your son had previously been careful not to let the authorities of the Harvard Medical School.

Gov. Butler. I don't think he can swear to that.

Mr. Brown. No; of course he can't; but I am simply calling his attention to it.

Q. (By Mr. Brown.) So far as you know, the whole history of this skin was a sort of concealed transaction, was it not? A. Yes, sir.

Q. And it has continued concealed ever since, so that there

can be no pieces of it found, isn't that it? A. I don't know whether it can be found.

Q. You don't know of any? A. I don't know of any.

Q. And your son don't know where there is any? A. No.

Q. And you don't know anybody who does know where there is any? A. I do not.

TESTIMONY OF JAMES DOHERTY (*sworn*).

Direct examination by Gov. Butler.

Q. Did you work at the shop where Mr. John Bacon was superintendent? A. Yes, sir.

Q. When was it? When you returned from California? A. From 1876 until the present time, I believe; it was lately, since I have been back from California the second time.

Q. Did you see any pieces of skin there? A. I see skin there every day, sir.

Q. What? A. I see skin there every day.

Q. Well, human skin? A. No, sir.

Q. Didn't you see any human skin? A. I saw what was supposed to be so.

Q. Supposed to be so? A. Yes, sir.

Q. Did you see them before they were tanned? A. Yes, sir.

Q. Were those pieces of skin off of the same person or different persons? A. No, sir; they were off of two different parties.

Q. How do you know that? A. From the color.

Q. What was the color of the skin; was it of a white man or woman? A. I could not tell whether it was man or woman, but it was a portion of it black and a portion white.

Q. What did you do with them? Who took them away from you? A. Well, sir, I limed them; I drenched them.

Q. What became of them? To whom did you turn them over? A. To the tanner, sir.

Q. What is his name? A. John Malloy.

Cross-examination by Mr. Brown.

Q. That is all you had to do with them? A. That is all I had to do with them, Mr. Brown.

Q. And you took pretty good care that your employer didn't know what you were about, didn't you? A. Why, I had orders, and I didn't care if I broke owners.

Q. You took orders from Mr. Bacon? A. No, sir, I did not. I took the order from the second foreman of the beam-house, and not from Mr. Bacon.

Q. Not from Mr. Bacon? A. No, sir.

Q. But from a man under him? A. Yes, sir.

Q. Now, did you lime both skins? A. I did, sir.

Q. That is, the colored skin and the white skin? A. Yes, sir; the colored skin and the white skin.

Q. When they were done, did they come out looking about the same color? A. I never saw them from the time they went out of the beam-house until the present day.

Q. When they had gone through the liming process did they look substantially the same color on both sides? A. They did, sir.

Q. So that after they got through the liming process you could not have told which was which? A. No, sir; no man could tell the difference between them both.

TESTIMONY OF JOHN MALLOY (*sworn*).

Direct examination by Gov. Butler.

Q. Were you a tanner in the shop where Mr. Bacon was superintendent in 1876? A. Yes, sir.

Q. Did two pieces of skin come to your hands from the last witness, supposed to be human skin? A. No, sir.

Q. Where did you get them? A. They came to me from the beam-house; I don't know who brought them.

Q. From where? A. From the beam-house.

GOV. BUTLER. I don't understand you.

MR. BROWN. From the beam-house.

Q. From the beam-house, where they hung them up? A. No, sir; where they lime the skins.

Q. They came to you from that house. Did Doherty work in that house? A. Yes, sir.

Q. Was one a white skin? A. Yes, sir.

Q. From what part of the body, as you looked at it, should you suppose it came from? A. I could not say.

Q. Did you have any opinion on that subject? A. No, sir.

Q. Did not? A. No, sir.

Q. Did you see the nipples on the skin? A. It came to me under the name of human skin; that is all I know about it.

Q. They came to you under the name of human skin. Did you see whether one of them contained any nipples? A. Sir?

Q. One of them contained nipples? A. Yes, sir.

Q. And yet you don't know what part it came from? A. No, sir.

Q. Suppose it was the skin of any sort of an animal that had a nipple to it, wouldn't you know what part it came from? A. I suppose if it was a hog I should suppose it came off of the belly; that is about as near as I could bring it to it.

Q. Had this more than one nipple to it? A. No, sir.

Q. And if it had come off of the belly of a hog it would be likely to have more than one nipple on it? A. It could be taken off with one nipple upon it.

Q. Now, do you think, upon the whole, you don't know what part of the body that skin came from? A. No, sir; I don't; it was supposed to have come off of the breast; that is all I know about it.

Q. That is what I asked? A. It was supposed so; I should not say so unless I saw it taken off.

Q. Was that the white or the black skin? A. The white.

Q. What part did you come to the conclusion the other came off of? A. I don't know which part. If I had seen it I should have formed some conclusion, I suppose. It was a strip which could be taken off anywhere.

Q. Was that the colored skin? A. Yes, sir. It was a long, narrow strip.

Q. You tanned the skins? A. Yes, sir.

Q. And gave them to the father of Dr. Edward Bacon? A. Yes, sir.

Q. And have you seen them since? A. No, sir.

Cross-examination by Mr. Brown.

Q. Let us see. How do you know that one was a colored and one was a white skin? A. Because I saw them before they were tanned.

Q. Not from any information given you, but as they came from the beam-house you saw them? A. I saw them before they were tanned, and before they had changed.

Q. Before they had been put in the lime? A. No, sir.

Q. Before they had changed color? A. Yes, sir.

Q. When was that? A. In the first place, I saw them in a pail of water in the beam-house. There had no color changed then.

TESTIMONY OF THOMAS REDDY (*sworn*).

Direct examination by Gov. Butler.

Q. Were you employed at Mr. Bacon's shop? A. I worked for James Maguire in the same shop where Mr. Bacon was foreman; yes, sir.

Q. Did you see these skins we have been talking about? A. I did.

Q. Where did you see them? A. In the beam-house.

Q. What were they in then? A. I saw them in there a day or so. I saw them in water. They smelled very bad. I didn't examine them much; I didn't want to stay around them.

Q. Well, you, I believe, skived the skins? A. I did, sir.

Q. That is, cut off the superfluous flesh? A. Yes, sir; cut off the flesh.

Q. There were two pieces? A. Yes, sir.

Q. White and black? A. White and black.

Q. Where did one piece come from? A. I don't know where they came from.

Q. I mean, what part of the body? A. Oh, I heard it came off of a nigger lady's arm, and the breast of a white man.

Q. What? A. It came off of the breast of a white man, and a nigger lady's arm.

Q. The breast of a white man, and whose arm did you say? A. A nigger lady's arm.

Gov. BUTLER. I don't quite get it.

Mr. BROWN. A nigger lady's arm. It is a word you never heard before, probably.

Gov. BUTLER. I never heard of one being skinned before. Now, then. And you skived them and got them ready for liming? A. I skived them after they were tanned, sir.

Q. Who cleaned them before they were limed? A. I heard Mr. Doherty. Mr. Doherty before, and I after. I skived them afterwards.

Q. You saw them before and after? A. Yes, sir.

Q. Do you know what became of them after they were skived? A. I believe John Malloy took them from me.

Cross-examination by Mr. Brown.

Q. You have told all that you know about this? A. Yes, sir.

Q. Haven't kept anything back? A. No, sir.

Q. Not a thing? A. No.

Q. You have exhausted your recollection on this subject? A. Yes, sir.

Mr. BROWN. That is all.

Q. (By Mr. CHAMBERLAIN.) I would like to inquire about the size of these two pieces of skin? A. That I quite forget now; it is so long ago that I have got no recollection about it.

TESTIMONY OF JAMES BUCKLEY (*sworn*).

Direct examination by Gov. Butler.

Q. Now, Mr. Buckley, where do you live? A. I live at Water Street, Lawrence.

Q. Were you ever in the army? A. Yes, sir.

Q. In what regiment? A. The Fourth Massachusetts.

Q. What is your full name? A. James Buckley.

Q. How long did you serve? A. I guess I was there about a year. I went for nine months, but it was a little over a year when I got back.

Q. You went out with a nine months regiment. Did you ever go to Tewksbury? A. I did. I have been there twice.

Q. Been there twice. About how old are you? A. I am going on seventy-three. I was born in 1810.

Q. Where were you born? A. In Rochdale, Lancashire, England; eleven miles north of Manchester.

Q. When did you first go to Tewksbury? A. I was there I think a little over a year, and then I came out. When I went out I could not get work, and then I went again; and the second time I went in I took note of the day I went in. I went in the 13th of February, 1879, and I came out in 1882, on the 21st.

Q. The 21st of February? A. The 21st of February. I were in three years and eight days.

Q. The first time you don't remember? A. Well, not the date; I didn't notice the date; but the second time I did.

Q. And the first time you were in there you were there about a year? A. Somewhere along toward a year.

Q. How long were you out before you went back again? A. Well, I guess I was out twelve months only. I was not out twelve months before I went again, because it was bad getting work. An old man they don't care much about. I had to work in the mill, and they don't care much about old men there.

Q. Why did you first go to Tewksbury? A. I went because I could not get work.

Q. Were you in good health? A. Well, I was in pretty fair health for so old a man.

Q. Had you any children? A. Yes, sir.

Q. Were they able to support you? A. No. My family is in Lawrence, now.

Q. When you first went there where did you work? A. I used to work once in the Pacific Mill; I used to be a dresser.

Gov. BUTLER. I don't quite get that word.

The WITNESS. The Pacific Mills.

Q. When you first went to Tewksbury where did you work? A. I was not working anywhere, then.

Q. When did you go to work? what did you do? A. Well. I was helping outside, helping level up, and the like of that: on the farm, and the like of that; then, after that, I was put to cutting bread two years, when I was feeble.

Q. What? A. Cutting bread for the people.

Q. For two years? A. For two years.

Q. That is, you cut the inmates' bread? A. Yes, sir.

Q. Cut it into slices so that it could be put on to the table? A. Yes, sir. Then, I used to serve two tables; serve the men what they wanted with bread.

Q. What? A. I used to go around two tables to help them with bread on the table, and if they hadn't enough to give them a little more.

Q. So as to see that they got the right quantity. Now, did they always have good bread there? A. Well, not all the time. It was a little rough sometimes; it was not very good sometimes.

Q. It was not very good sometimes? A. No.

Q. Was that the time when the inspectors were coming there? A. Well, when the inspectors happened to come around it was a little better. They noted the time of their coming.

Q. Have you ever seen any boxes going away from the almshouse? A. I have seen lots of boxes, but I could not swear what was in them.

Gov. BUTLER. I don't want you to swear what was in them.

The WITNESS. I guess a good deal has gone to Exeter.

Q. Where? A. To Exeter.

Q. You saw lots of boxes going down to Exeter, but you don't know what was in them. What kind of boxes were they?

A. Well, kind of trunks that they had to put stuff in, and the like of that. What they put in them I don't know; they would not let me see.

Q. Were they always trunks, or sometimes boxes? A. Well, they were trunks, and boxes sometimes. Sometimes, if they didn't have trunks, they put it in a box and screwed it up — covered it up with a board.

Q. There were boxes sometimes filled in? A. Yes, the board on top, you know, to keep the stuff in.

Q. Did you ever have any curiosity to look into one of them? A. No. I wanted to look, but I could not; they would not let me.

Q. You never did see into any of them? A. I did not.

Q. These were boxes. About how large would these boxes be? A. I could not hardly tell. Some would be, perhaps, two feet high and so deep. And then the thing of it was I could not get the clothes I wanted. I nearly froze sometimes.

Q. Could not get what? A. Clothes.

Q. What? A. Clothes.

Mr. Brown. Clothes — clothes.

Gov. Butler. Speak more plainly. I will come to that by and by; but I now want to finish about the boxes.

The Witness. Well, that is all right.

Gov. Butler. Yes, that is all right.

Q. Now, did you use to see people from Exeter come there occasionally? A. Certainly I did.

Q. Often? A. Yes, sir; used to come there very often.

Q. State whether you saw them come without a trunk, and go away with one? A. Well, I didn't see them bring one, but I guess they had plenty when they went back.

Q. How do you know they got one when they went back? Did you see them? A. That was what they said, that they were going to Exeter. That is all I know.

Q. You saw them come without? A. Yes, sir.

Q. About how often was that? A. Sometimes they would come about once in about a month, and then be at it again in another month, and sometimes sooner than that.

Q. Do you know the names of the people? Atwood — Davis? A. What?

Q. Atwood or Davis? A. Davis.

Q. Do you know the names of any of these Exeter people? A. No, I don't know as I know their names; I might know

some of them. That is, there was Thompson that used to be officer, and Mr. what's his name—Jones—he was there—he was there for passengers; go down to the depot every train of cars.

Q. Those were the men who went there? A. No; those were the men that knows about it more than I do.

Q. The men around the depot know about it more than you do? A. Yes, sir; they helped send them.

Gov. Butler. But the trouble is, Mr. Buckley, they won't tell us. A. Well, they won't tell me. I am very glad you have got after some of them. It is a very good thing, you shaking them up. About the clothes, I could not get them myself. Sometimes I would have no shoes for my feet. I would be out working; out in the snow — shovelling snow: that was before I went to cutting bread. At last I went to French Joe—he used to deliver them out—and said I, "I want a pair of shoes." He said, "I haven't time; you cannot have any yet." "Well," said I, "I think it is time." I kept going four or five times, I guess, and I not get any. Then I come to Tom Marsh.

Q. The young man? A. Yes, sir. He come down to where I was working before I went cutting bread. "Well," said I, "Mr. Thomas, I have been to Joe to get a pair of shoes, and I cannot get them; and look at my feet, all wet. I cannot get them." "Well," said Thomas, "I don't carry them in my pocket." "Well," said I, "what is the good of your pocket?" So Thomas sent me up after I got through work, and so I got my shoes. Then I wanted a coat and vest, and I could not get them. I wanted a pair of pants to keep myself warm with. I went up to Lawrence and I got a pair of pants to keep me a little warm. And I called for a vest and I could not get that.

Gov. Butler. I guess that is all I will ask you. I have got the rest from other people.

Cross-examination by Mr. Brown.

Q. How long ago was it that you went to Tewksbury for the first time? A. Well, I went there — I guess I was out about a year — I guess it was 1878, but I won't be sure.

Q. Now, did you go there on the 28th of September, 1877, and stay through the winter of 1877–78, and were you not discharged on the 23d of April, 1878? A. I didn't notice the date the first time, but I noticed it the second time.

Q. And the second time you went there on the 13th of Feb-

ruary, 1879, and came out on the 21st of February, 1882? A. Yes, sir, I did.

Q. A little more than a year ago. Now, the last time you were there, how came you to leave? A. Well, I came out to try and get a little job outside; to see if I could do something.

Q To see if you could do something? A. Certainly.

Q. Did you tell the officers of the institution? A. Certainly, I told them: I didn't come out without telling them.

Q. Hear my whole question, and then you will know exactly what to answer. I don't want to take advantage of you, you know. A. No.

Q. Now, when you left on the 21st of February, 1882 — A. Yes, 1882.

Q. Did you notify anybody that you were going to leave? A. I did; I notified the clerk.

Q. What clerk? A. The clerk that was there at the place when you go in.

Q. You mean Mr. Charles Marsh? A. No; the other man.

Q. This young man here? [Pointing to Charles B. Marsh.] A. No; the man that is in Tewksbury.

Q. Was this the man? A. No.

Q. Well, now, let us see. The first time you were there what did you do? A. I worked outside.

Q. Outside? A. Yes, sir.

Q. Shovelling snow? A. Yes, sir, and working in the garden.

Q. Levelling up and working in the garden? A. Yes, sir.

Q. And the next time you went there you commenced working outside and finally commenced cutting bread? A. Yes, sir.

Q. Inside? A. Yes, sir; I cut bread inside; yes, sir.

Q. Well, where you were cutting bread was in the room next to the kitchen? A. Next to the hall where the men came in.

Q. How many hours a day did you work there? A. Sometimes in the winter time I would be there at half-past four or five in the morning and wash myself.

Q. And worked until what time at night? A. It would be after six o'clock before I got through, because I would have to wait upon the men at the table.

Q. Kept you in that room pretty constantly? A. Of course it did.

Q. Tied you right down to that place? A. Tied right down to that place all the time.

Q. Won't you tell me how, if you were tied right down there, you could see all these trunks outside? A. Oh, I could see through the window outside. I was not working all the time; I would come outside.

Q. Now, how did you see them? A. I can see them passing the window.

Q. Wait a moment until you hear my question. How did you see that any of these boxes were marked for Exeter? A. Because the man told me.

Q. But you didn't see anything except what the man told you? A. The man told me, and then I saw the boxes, and they said they were going to Exeter.

Q. Did you see the mark "Exeter" on them? A. That is what they told me, that it was for Exeter. That is all I know.

Q. You don't understand my question. Did you see these personally? A. Yes, sir.

Q. Those boxes were marked "Exeter"? A. Well, I saw the paper on them, but I did not read that.

Q. Can you read and write? A. I can read, but I cannot write.

Q. Can you read print? A. I can read a little print.

Q. Let us see if you can read the heading of that paper? [Showing witness printed paper.] A. I cannot read without my glasses.

Q. What regiment were you in? A. The Fourth Massachusetts.

Q. Were you also in the Banks expedition? A. I was in the Banks expedition. I was up by New Orleans.

Q. On Roanoke Island? A. No; I was up by New Orleans.

Q. Were you in the Banks expedition on Roanoke Island? A. I was not on Roanoke Island, I was in New Orleans, with the Fourth Regiment.

Q. In what company? A. Company B.

Q. Of the Fourth Massachusetts Infantry? A. Yes, sir.

Q. How long did you serve? A. Well, I guess over twelve months; only it was for nine months; it was over time.

Q. What was the name under which you enlisted; James Buckley? A. Yes, of course. My name is in this State

House, and you will find it here; it has been found here this afternoon.

Q. Where did you live when you enlisted? A. I lived in Lawrence, and I live in Lawrence now.

Q. You had a family there? A. Yes, sir.

Q. What family did you have? A. Well, I had four.

Q. Whereabouts do you now live? A. In Lawrence, I told you before; on Water Street.

Q. What number? A. Number 4.

Q. Number 4? A. Yes, sir.

Q. Where do you work now? A. Me?

Q. Yes. A. I am not doing anything, for the reason it makes no difference what I wear. If I had a bit of a job I would take it; but I am getting nothing to do, and I cannot do any kind of laborious work.

Q. Well, sir —

The WITNESS. [Rising to go away.] I guess I have done now. [Laughter.]

The CHAIRMAN. There has been fun enough this time: go ahead, Mr. Brown.

Mr. BROWN. Now, Mr. Buckley —

The WITNESS. [Moving away.] I have told you all I have to say, and I am done.

Gov. BUTLER. You must sit down, Mr. Buckley, and tell him all he wants to know.

The WITNESS. No.

Gov. BUTLER. Oh, yes; he wants to know.

The CHAIRMAN. Wait a moment, Mr. Witness.

Gov. BUTLER. You are an old soldier; sit down and tell him how the thing is.

The WITNESS. I am sorry to say that I came in here. The man said he would pay for my supper, and I have not got it yet.

Gov. BUTLER. Sit down, and answer all the questions. Tell him all about it. [Witness resumes his seat.]

Q. (By Mr. BROWN.) I want you to tell me where your wife is? A. I don't know where she is now.

Q. When did you last hear from her? A. I have not heard from her for eight years, I guess.

Q. Eight years? A. Seven or eight years.

Q. Where was she when you heard from her last? A. Eh?

Q. Where was she when you heard from her last? A. In Cincinnati.

Q. Cincinnati? A. Yes, sir.

Q. What was she doing? A. How do I know? [Laughter.]

The Chairman. We shall have to put an end to this now. We have had fun enough with this witness; let us get through with him.

Q. Where are your children? A. I told you before that they were at Lawrence.

Q. What are their names? Are they all married, or single? A. Well, there is one of either.

Q. Give me the name of either of them? A. One is Robert Buckley; Alice E., she is married to a man by the name of Frank Brown; then another is married to a man by the name of Barrett; and then there is Mary, she is a widow.

Q. There is nothing more you want to say about Tewksbury? A. I don't want to bother with them. It ought to have been straightened up long ago, and I am very glad that Butler got in to straighten them up.

Gov. Butler. You can go.

The Witness. [To Gov. Butler.] The man has cheated me. He said he would give me my supper to-night, and I have not got it yet.

Gov. Butler. [To Mr. Innis.] Take him away. [To the witness.] He will take care of you, Mr. Buckley.

Mr. Brown. You are stuck for the supper, Governor.

Lorenzo S. Fairbanks (*recalled*).

Direct examination by Gov. Butler.

Q. Have you examined the cash-book and the ledger, and the way the books are kept; and, if you have, state the peculiarities; what you found that is noticeable about them. A. The condition in which I found them?

Q. Yes, sir. A. I have examined all the books of the institution, not in detail — these main books — but in general. I find these books looking in good order, all of them, — the cash-book, cash-books, the journal and the ledger, the ledgers.

Q. Go on, sir. A. I find the last ledger to be a new book, written in a very uniform style, as if it had been written very nearly, or had been written within a short time, and, I should say, within a recent time, as if the work were done within com-

paratively a short period. I find the books are journalized to Oct. 1, 1882. They are posted to Nov. 1, 1881. The bill-book, or invoice-book, as it is called, is made up to the end of March, 1883. The cash-book is written up to February 2 on the credit side, the entries on that side apparently covering the January pay-roll and the bills paid.

Q. Of what year? A. Of 1883; but no February transactions. That is, the cash-book, as it stands here, ends February 2, on the credit side, covering the pay-roll and bills of January, — nothing for February, — and, on the debtor side, the last entry is dated February 26, and there are but two entries on the debtor side for February. One is for cash received of Thomas J. Marsh for salaries, etc.; and February 21, an entry of the sale of a calf, $1.25. There are no other entries on the debtor side subsequent to December 29. The last ledger is a new one, as I have stated before, and is written in a certain style that I have already explained. And, after it was commenced, I find that both ledgers were used, — the new one for new accounts and the old one for old accounts, which I find transferred in regular order, as the pages of the old ledger were filled. And when this work of posting was commenced, as I judge from the situation of the books, — that is, I judge from the appearance of the ledger and the ink, — when the posting was commenced, the books had not been regularly posted, or fully posted, since April, 1877.

Q. (By Mr. Brown.) What is that last, Mr. Fairbanks? A. I infer from the comparatively fresh ink in the posting marks on the ledger, that it had not been fully posted since April, 1877.

Mr. Brown. I submit whether this is to be an argument or whether it is his testimony.

Gov. Butler. It is his testimony.

Mr. Brown. He says he infers; that is certainly argument.

The Chairman. I understand Mr. Fairbanks gives that as his opinion.

The Witness. That is my opinion, or inference, from the ink.

The Chairman. I suppose he is giving his opinion.

The Witness. I don't pretend to to go beyond that. That is the situation in which I find these books.

Q. (By Gov. Butler.) These general books? A. General books.

Q. Now, sir, here is a cash-book that purports to have been in use since 1877, and sworn to have been in the ordinary use of the institution; look at that book, on the outside and on the in, and tell me whether that book, in your opinion, could have been kept in that condition and been used since 1877?

Mr. Brown. I pray the judgment of the committee whether this man is an expert in the wear and tear of books, or whether the committee is not just as capable of judging as this man is.

Gov. Butler. Pardon me; so they will be after hearing his testimony. I want it in the shape of testimony.

Mr. Brown. We already have the judgment of the Governor that this is the most complete and accurate set of books he ever has seen, and the freest from blots and erasures.

Gov. Butler. I have never said it was an accurate set of books in my life.

The Chairman. If you want to examine the witness as to his experience in such matters you can examine him. I supposed it had been settled that he was an expert in all matters of books.

Mr. Brown. I understood he was an expert in matters of book-keeping; but to submit that he is an expert, or anybody else is an expert, — I never heard the question raised before, nor I never heard of the matter being discussed of hearing testimony to show that a book, because it looked new, must not, therefore, be an old book. Mr. Marsh has testified that that book was bought at the time when the entries were made in it, or, at least, prior to the time when these first entries were made in it. Now, the committee are capable of looking at that book and seeing whether it is a new, fresh book or not. It is no aid to anybody to have gentlemen come up and express an opinion that because the book looks new therefore it was not bought when the witness said it was. Every man is capable of drawing his own inference, if he examines the book at all. I want to call the attention of the committee to it, because we have been going on here for ten days doing nothing except accumulating little bits of evidence upon matters upon which there had been, previously, a great deal of time spent. At the last hearing we spent a day here and never gained at all. The testimony was entirely different from what it was claimed that it would be; and, now, to-night, what have we gained? We are simply wasting time. I don't know what the object of this is, but it looks to me as though it was intended to kill time.

The Chairman. I suppose the committee will examine the books, and the opinion of this man, as an expert, will not do any harm, at least. Unless the committee think otherwise, he had better answer the question. Go ahead, Mr. Fairbanks.

Gov. Butler. I think I have made great progress, both to-night and last night.

Mr. Brown. Well, sir, there is nothing like having a good opinion of one's self.

The Chairman. Go ahead, Mr. Fairbanks.

Gov. Butler. I take the testimony of an expert on that subject. [The audience applauded loudly.]

The Chairman. If there is any more of this applause the room will be cleared.

Gov. Butler. Go on, Mr. Fairbanks.

The Chairman. The door-keeper will take notice of the order.

The Witness. This book is apparently used but once a month, and possibly — I perhaps ought to qualify that — the entries are made in the cash-book from the bills at the end of the month, and it is probably not used all the time and lying around upon the desk. This book has not, in my judgment, been thrown about upon the desk for six or seven years. It might have been kept very carefully, and used once a month during that time in the way I judge it has been used, in the manner in which the work has been done. That is, as I understand it, the bills are entered here at certain times after they have been presented to the auditor and the money has been obtained from the treasurer to pay them. That is, they are entered here after that, probably, or they might be entered; they would be entered in the journal as soon as they had been approved, and entered here only when they were paid. Then this cash-book would be used, or should be used, — I don't say that it has been, — it ought to be used constantly for receipts, independent of that, — receipts of cash for sales arising out of transactions for the almshouse, sales of anything about the premises. The cash-book properly used should be a daily record of those transactions. I don't say that the book-keeping would not be correct if it were not kept in that way, if the sales were kept in a memorandum-book and entered at the end of the month in the cash-book; and my judgment of this book is that it has not been used in that way, as a daily cash-book, from its appearance.

Q. Well, now, while we are upon the cash-book, will you

tell me whether in the years 1876, 1877 or 1878 you find any entry of calves on that cash-book, sold? A. In the years 1875, 1876, 1877 and 1878 there are no entries on the cash-book of the sales of calves.

Q. Any other creatures from the farm entered there? I don't know whether you looked or not. A. Not in those years.

Q. Not in those years? A. Not in those years.

Q. Go on. In 1874, September 29, "Cash received from the sale of calf, $15.00."

Q. (By Mr. Brown.) Sale of what, Mr. Fairbanks? A. "Sale of calf." I give the exact language, "Cash received from sale of calf," — not calves.

Q. (By Mr. Chamberlain). What was the sum? A. $15.00; 1879, April 25, calf —

Q. (By Mr. Brown.) What was the date of that? A. 1874, Sept. 29. "1879, April 25, calf, from George Pillsbury, $1.00." "May 1, calf, from George Pillsbury, $1.00." "May 24, for three calves, $3.00." "Sept. 29, cash from George Pillsbury for calf, $1.00." "Nov. 29, sale of calf, $1.00." 1880, "March 31, for calf, $1.00." That is the only entry in 1880. 1881: "June 8, from sale of calf, $1.00." "June 23, two calves, $2.00." "July 11, one calf, $1.00." "Aug. 25, cash received for calf, $1.00." That is all in 1881. 1882: "March, for calf, $1.00." "April 17, calf, $1.00." "April 20, calf, $1.00." "May 4, calf, $2.50." "May 11, calf, $1.25." "May 29, same, $1.25." "May 30, same, $1.00." "August 28, same, $1.25." "Sept. 15, same $1.25." "Oct. 30, same, $1.50." That is all in 1882. In 1883, "Feb. 26, $1.25." That is all the entry that has been made in 1883.

Q. (By Gov. Butler.) And that is all the entry of anything. Now, did you examine that in connection with the schedule of sales sworn to here and given us by Mr. Pillsbury, to see whether those were entered? A. No, sir; I believe that was not submitted to me.

Q. No; that is Mr. Record. Now, will you give us any other matters which you found? A. I find nothing here, so far as the transactions are concerned, so far as the entries are concerned that are given here. I cannot go beyond that, excepting that, perhaps, I might make some criticisms on certain things, certain ways of doing things which I would not do; at

the same time, perhaps, and certainly, not wrong by themselves. That is, with regard to the roundabout way which Mr. Marsh has in getting at the fact, notwithstanding he may get at it correctly; I should not do it the same way that he does.

Q. That is, it would not be the ordinary way of book-keeping, you mean by saying that, I suppose? A. I mean he does certain things in a roundabout way, and makes several entries where he should not make but one; and I find the stock account and the State almshouse very much confused. In fact, I cannot make anything out of it.

Q. Won't you state, now, what do you mean by "stock account" and "State almshouse account?" A. I don't know whether I know anything about it from the records.

Mr. Brown. I think it would be a good plan to let him find out before he testifies.

Gov. Butler. You will state what condition it is in.

The Witness. Sometimes we can say a record don't give us any information, but we can tell what the record is, sir.

Q. Does it give you any information? That is the very thing I want to know. A. In the entry of Oct. 1, 1868, — which is the beginning of this journal, and this is the first account I have in this ledger with the State almshouse, — page one, — it is transferred through many pages, through a great many pages, and carried on through all the books, and this is the beginning of it so far as the account is concerned here. The journal entry here, made apparently by some one who didn't know what he was doing,—he made it one way and then he made it the other,—now stands "stock, debtor to State almshouse, $96,607.58;" stock, debtor to State almshouse. And, on the State almshouse entry, I find that it was entered on the credit side and finally transferred to the debtor side, $97,059.98, and I believe it is transferred to the credit side of stock. Now, I can read the record, but, as you say I ought not to testify unless I know something, I don't know anything about it from that record. That is my testimony on that.

Q. The record is wholly unintelligible? A. Wholly unintelligible to me. I might, perhaps, puzzle it out and discover what it means, but I cannot, at present, explain what it does mean. I take it his intention was to make stock debtor for the appraisals from year to year.

Mr. Brown. Don't do that; don't guess at a man's intention.

Gov. Butler. If he don't want you to do that, don't do it.

Mr. Brown. I don't.

The Witness. I don't guess; I know he has done it.

Q. You know he has done it? A. Yes, sir.

Q. That error of beginning in the stock account, — whether it seems to continue all through or is corrected somewhere? A. I think it is continued all through, as far as I am able to judge without examining each entry. I think it is carried clear through, and the stock account, as it stands, and the State almshouse account, as it stands, would not give me any idea of the object in keeping these accounts, unless I guessed at it. The stock account, if it is intended to represent the amount of the appraisals from date to date, or from year to year, don't properly represent them. I suppose it is perfectly proper to make them debtor, and credit the almshouse, as being, perhaps, the only legitimate way of explaining it; but I think the stock account, instead of being entered every year, when the appraisal is made, should be allowed to remain as it is, and increased or diminished according as the property is increased or diminished. I don't see any sense in putting on the whole amount. I don't see any sense in carrying down from page to page, as he calls it, two balances. If they were balances it would be absurd to call them balances. If he makes simply a transfer of debit and credit, that would be well enough, but he ought to say so, because it is misleading. And then there are some accounts open which have caused some trouble to me to find out where the entries were made. For instance, I undertook to trace, this morning, a certain account, and entries which should legitimately have been made to the Commonwealth were made to something else. That is, if the Commonwealth is credited for all warrants that are drawn and money that is paid over to the almshouse, there is no reason why the Commonwealth should not be charged for money returned. And I say that without meaning to reflect at all upon the correctness of the entry. These are some criticisms on the character of these entries. He takes these little amounts of money that have escheated to the Commonwealth and enters them under the escheats account, and then, when he pays this money over to the treasurer he charges the treasurer, opens an account with the State treasurer, which is not necessary. They are right; I have found them right as far as I have gone.

Q. Well, now, sir, is there any way, from those books, of

ascertaining the amount of stock that is or ought to be, — by stock I mean the amount of property, — that is or ought to be at Tewksbury? A. I don't think the stock account shows it; I will look at the last entry and see.

Q. (By the CHAIRMAN.) When does that stock account begin, Mr. Fairbanks? A. It begins, apparently, in this book — I haven't anything back of this, — it begins Oct. 1, 1868.

Q. Brought down to when? A. Brought down to date, or brought down to the last posting.

GOV. BUTLER. Brought down to the date of the last posting.

The WITNESS. There is no stock in the index of the new ledger. Perhaps Mr. Marsh will —

Mr. BROWN. No; you are testifying, now.

The WITNESS. Then, I will testify that, if the index is to be depended on, there is no stock account in the new ledger; if it is not to be depended upon and there is an account, I should have to look all through here to find out. The last stock account, then, that appears in the ledger, providing there is none in this ledger, is Oct. 1, 1880, meaning 1881, I presume, though I suppose I have no right to guess at anything. 1880 stands above it, and the next is Oct. 1, but on the other side is September, 1881, leading me to infer that this should be 1881, but I don't know it. Stock account is credited with $127,734.38. He takes off a balance of $18,515.74, and that balance is carried down and entered on the debit side, "to balance, $18,515.74," leaving, so far as that account is concerned, an accountant to guess whether he intends to bring down what he calls a balance on the other side. In this stock account on page 480, which is the last account I find, it appears to have been simply carried down from month to month in the nature of balances. That is, he calls them balances. I should say that that was not the proper way to express it, but that don't make any difference. He carries down upon the opposite side the amount which appears on the other side; that is, starting from the top, "to balance, from folio 10, $146,701.45;" and then that balance is footed up. And entries from the journal, — those entries may be appraisals or not; I don't know whether they are or not. I have sent for the book to see.

Q. (By Gov. BUTLER.) Now, sir, is there any account, apparently, kept with the farm that you can make anything out of? A. There is an account with farm products, but it is not a complete account. It is an account made up from the journal

entries of milk, eggs and meat, and, I believe, nothing else, as far as I have looked. It don't contain or is not an account of all the products of the farm by any means.

Q. How do you know that? A. I take that from his own statement in the State almshouse report, where, on page 18 of the report for 1882, he gives a statement of the farm products and the dairy products; and the dairy products and meat are all the entries that I find here, covered by the entries that I find here.

Q. (By Mr. Brown.) That is, the printed report and the book from which you read the entry agree, do they? A. No, sir; I said they do not agree. That is, the account with farm products don't give the items mentioned in this report: that is, the hay, straw, ensilage, squash, oats, potatoes, carrots, onions, etc. I say the account includes only milk, eggs and meat.

Q. (By Gov. Butler.) That is, the account on the ledger includes only those. Now, can you find anywhere on the books; have you been able to find the other things which are returned here; the onions? A. No, sir.

Q. And all manner of things of that sort? A. No, sir: no account of that kind, at all.

The Governor. There is barley and oats, and all manner of things,—potted plants, cuttings, asparagus, cauliflower, celery, tomatoes, 2,006 bushels of potatoes, and all things of that sort that are in this report cannot be found on the book, the account with the farm only giving the amounts, and, by and by, we shall show a reason for it, I think, or a deduction.

The Witness. "State almshouse products," in the new ledger, the last account commences in May, 1881, and the credit May 31, $247.96; June 30, $239.66; July 31, $287.96; August 31, $265.35; September 30, $241.32; October 31, $256.17.

Q. Are those all the entries? A. Those are all the entries on the new ledger, commencing May, 1881; nothing since in date. Here is a specimen that I take at random of the journal entries from which that "State almshouse products account" is made up. I open the journal here at random, and it is, "January 31, 1878. Sundries to State almshouse product, $1,284.31. Egg account, January 31, 39 and 2-12 dozen, $14.10; milk account, January 31, 2,192 gallons, $394.56; beef account, December 15, 5,181 lbs., $440.38; meats account, Nov. 8, 105 lbs. veal, $8.40; Dec. 24, 4,743 lbs. pork, $426.87."

Q. That is the journal. Do you find any other book where these aggregates are taken from? A. The aggregates?

Q. That is, here are so many thousand pounds of beef — A. No, sir; I have no other book containing these things. I will give the last entry that I find of that kind in the journal. "August 31. 1882. Sundries to State almshouse products, milk account, August 31; egg account, August 31," — all the rest blank. That is the last entry.

Q. And this statement in this report is made up to Oct. 1? A. Previous to that, — July 31, 1882, a similar blank entry.

Q. Left blank? A. Left blank.

The CHAIRMAN. October 1, the beginning of the year, is it?

GOV. BUTLER. That is the end of the fiscal year of that class of institutions.

The WITNESS. May 31, 1882, a similar blank entry; April 30, the same.

Q. Similar blank entry? A. Similar blank. March 31, 1882, a similar blank entry; Feb. 28, 1882, an entry of the same kind.

Q. Just read it, so as to get it in? A. "Sundries to State almshouse products. Egg account, Feb. 28, 36 1-12 dozen; milk account, Feb. 28, 950 gallons." Shall I follow these blank entries back, or not?

Q. No; they run clear back. That is far enough for any purpose of illustrating the book-keeping. That is the reason there is no account in the ledger with the State almshouse products, I suppose, excepting the account we find there, unless that is made up from it; I don't know whether it is or not. A. Perhaps these amounts are figured up in some way.

Q. Now, I want to call your attention to another matter. Have you examined the inmates' cash-book to find about the number of bank-books upon it? A. I have.

Q. Well, sir, how many bank-books? A. Eleven; that is, there are entries of eleven bank-books received.

Q. That is, eleven would be all that were received so far as appears? A. Yes, sir; so far as appears.

Q. Now, do you find erasures where the bank-books are put down, where they had appeared? I don't know as I make myself clear. Cash is put down here [designating place on the book] and a bank-book there; do you find erasures in the lines and dates written in, or anything done in the lines where the bank-books would otherwise be, if they had been put down

there? A. I should want to refer to these separately in order to answer that question distinctly.

Q. I don't think you understand me yet. A. I think I do: that is, the bank-books, in this book, are entered in the middle of the book.

Q. Do you find where there have been erasures in the middle? A. At the present moment I cannot answer that question with regard to this book. In regard to the old book, I do find some erasures.

Q. Just as well; give us the old one. A. I haven't any.

Q. Then I will wait for that till morning. Can you tell us, now, about watches and jewelry? A. I can give a list of all the watches and jewelry that have been received.

Q. Give us that. A. It is quite long.

Q. Take your memorandum; you need not stop to read from the book. A. I haven't them all here; I have about half of them here.

Mr. BROWN. Why not submit the schedule?

Gov. BUTLER. Begin from the beginning; yes, sir.

Q. Begin at the earliest date, sir. A. I think I can read them just as readily from here [the book] and then I shall know where I stand. William Ackroyd, a knife; Aaron Atkins, plated watch; Marshall Boucher, a watch; Julia Carr, bank-book; Anna Cole, gold pin made from coin; John Cooper, silver watch and chain; William Chambers, plated watch; James Crossley, bank-book; James Crossley, in another place, watch; John Clark, watch; John Campbess, watch; Ann Callahan, bank-book; John D. Clark, watch and chain; Ellen Cannon, gold ring; Mary Carney, small watch, silver; John Crogan, plated watch; Nellie Crocker, bank-book, delivered to G. E. Farley, May 10, 1881; William Chisholm, watch and jewelry, watch crossed out, pen marked across it; William Catcher, watch; (after that, "paid Tom Doane,"—whether that means the watch or money, I don't know; there is $11.02 in money); I. S. Chickton, two pairs of specs, a divorce bill, and button hook; John Davis, package containing watch, sleeve studs, etc.; Sarah Durgin, bank-book; William Ellis, watch-chain,—a black and red line drawn through the words; Margaret Feeble, bank-book; —— ——, watch; Mary Fallon, $5.00 gold piece, 25 cents in silver, and bank-book; Joseph P. Fuller, silver watch; John Frank, watch,—crossed with a pen, several marks across with a pen; John Gallagher, silver

watch; Isabella B. Gale, package in drawer; John Sampson, null, Sampson, annulled, silver watch.

Gov. Butler. Now, you have given them, Mr. Fairbanks, in their order; I want you to-morrow morning to give us the whole number. You have shown us what the nature of the entries are, and if Mr. Brown wants to go any further he can examine more particularly; but I only want to get the nature of the entries for a purpose.

Q. Now, will you look and see, — in Mr. Wrightington's testimony who was it had that bank-book which had two bks.— bk, bk.? A. I had it here and I read it bank-book.

Gov. Butler. Mr. Brown interpreted it bank-book; I want to call your attention to what entry that was; the one where Mr. Wrightington produced a bank-book.

Mr. Brown. Fugle or Fogel, I think it was.

The Witness. Margaret Fogel.

Q. Will you now turn, sir, if you please, and tell me how far that book comes down; the latest date where any watches were received, any money, or anything else? A. It would be impossible for me to answer correctly without looking under each letter, because it might be received from a person whose name began with S, be under S, and that might be an earlier date or a later date than some other. I should have to look all through.

Q. Yes, sir; you would have to look for that further. I want you to tell me just how late it comes down to, how far any credit comes down. A. I think I perhaps can give a very late one, which I think may be the latest; I am not certain, however. 67,305 is Mary Chase, which is a late entry, I presume, a very late.

Gov. Butler. [To Mr. Marsh.] Won't you see when 67,305 came in.

Mr. C. B. Marsh. March 13, 1883.

The Witness. That is the latest one I have seen in the book.

Gov. Butler. I guess it is the very latest.

The Witness. The one before that is Mary Cooray, 67,108.

Gov. Butler. That is late enough for the purpose that I want; there was only four or five days after that, six or eight, — something like that.

The Witness. 67,353 is a little later than that, — Henrietta McDonald.

Mr. C. B. MARSH. March 23, 1883.

GOV. BUTLER. And the books came into our hands —

Mr. MARSH. The thirtieth of March.

GOV. BUTLER. This book didn't come till later.

Mr. MARSH. It was shipped the thirtieth of March.

The WITNESS. These are the very latest in the book, at any rate.

GOV. BUTLER. It is late enough for all purposes I want; it covers a date I shall have some testimony about. This, Mr. Chairman, is as far as I can go with this witness to advantage, to-night.

Mr. BROWN. I can take some time in cross-examination, if the committee desire.

The CHAIRMAN. We can stay some longer.

GOV. BUTLER. I am willing the cross-examination should go on.

Cross-examination by Mr. Brown.

Q. I understood, when you took the stand, that you qualified as an expert in handwriting; is that correct? A. I suppose so, sir.

Q. You call yourself an expert in handwriting? A. I did for that occasion.

Q. You do for many occasions, don't you; you advertise yourself? A. No, sir.

Q. In a modest way? A. No, sir.

Q. You don't ever hold yourself out as an expert in handwriting? A. I never advertised myself as I know of as an expert in anything.

Q. Do you hold yourself out to the profession as an expert in handwriting? A. Only by my acts.

Q. You are always ready to be retained as an expert in handwriting, aren't you? A. I don't think I am retained as a witness, sir; being a lawyer I don't think I should use that term as applicable to me as a witness.

Q. As an expert, then; if you object to it I am very glad; you are the only one I ever knew, who did. You are also an expert book-keeper, are you? A. Perhaps I have had experience enough to be designated as such.

Q. By whom; anybody besides yourself? A. I am not very apt to designate myself in that manner.

Q. Now, won't you tell me whether you understand book-keeping by double entry? A. I think I do, sir.

Q. Well, sir, supposing that Hannah Smith should die at the Tewksbury almshouse with $50.00 in money, and that money was to be turned over to the Commonwealth, escheated, as you said a few minutes ago; I want you to tell me the various entries you would make in a proper set of books, properly kept by double entry, to record that fact. I want you to commence and give me every entry you would make in a set of books properly kept by double entry. A. Well, sir, you can keep it in various ways.

Q. No, sir; not various ways, but a proper set of books properly kept by double entry. A. Well, they may be kept in a half-dozen, you may keep them in a half-dozen ways by double entry.

Q. And all proper? A. And all proper; I don't know but I might limit that number, perhaps.

Q. Now, take one of the half-dozen ways, the simplest one of the half-dozen ways, and tell the committee every entry you would make and just exactly what you would write in every entry. A. I beg your pardon, sir; I will not stretch it to half a dozen; that is an exaggeration.

Q. Very well, call it three. A. You may credit the money, — the money is in the possession of the treasurer, is supposed to be in the treasury?

Q. No; wait a moment. It starts in the possession of an inmate who dies, and then comes into the hands of the superintendent of the Tewksbury almshouse. Now, I want you to tell me what entries the book-keeper at that almshouse ought to make. A. Do you mean to tell me the woman has it in her possession?

Q. No, it has been turned over when she comes into the institution. A. You didn't say so; you said she died with it in her possession.

Q. Does it make any difference in your book-keeping whether it was in the possession of the woman when she died or before she died? A. I should think it ought to, by all means.

Q. Tell us what you mean. A. If I found $5.00 in the pocket of a dead women I should think it made some difference in my book-keeping, whether I found it in the street or in her pocket, or whether I found it in my treasury, having a treasury which ought to have a proper set of books in it to account with.

Q. Very well; I don't want you to give us any legerdemain. I want you to give fact. A. I am giving fact.

Q. Here is an inmate that has got $50.00; the inmate dies and the money comes into the hands of the superintendent; now, if you are able, about which I have very much doubt, I want you to tell me what entries you would make in a proper set of books kept by double entry. A. I guess I can give it.

Q. Go ahead, right off. A. You can make it cash debtor to —

Q. Tell me the entries as you would write them. A. I am going to tell you.

Q. Now, sir. A. Then, if you chose to put it in the simplest form; if you don't want it in the form of double entry book-keeping —

Q. I have told you I do want it in the form of double entry book-keeping. A. Put it in that form, "Found on a dead body, $5.00."

Q. In what book would you enter that expression, found on a dead body, $5.00? A. Put it in my cash-book.

Q. In your cash-book? A. Yes, sir; if I was keeping a cash-book.

Q. Now, where would you next enter it, if you were going to turn it over to the Commonwealth? A. I should designate it, in the first place, by the proper account I determined to enter in my ledger, if I was keeping a double entry cash-book.

Q. What would that account be? A. I might call it profit and loss; make it cash debtor to profit and loss.

Q. I don't ask you what you might, but what you would. A. That is the proper way to enter it. — cash debtor to profit and loss.

Q. In what account? A. In the cash-book.

Q. Account of what? A. In the cash-book; that is the account.

Q. We have got through with the cash-book; I want to know what is the next entry. You are going to turn this money over to the Commonwealth, and I want to know what the next entry is that you will make. A. You didn't tell me you were going to turn it over to the Commonwealth.

Q. I want you, now, to indicate to me the next entry you would make when you turned that money over to the Commonwealth. A. You must tell me, as your book-keeper, what you are going to do with the money.

Q. I am going to turn it over to the Commonwealth. A. I should say, cash debtor to the Commonwealth for money received.

Q. Where would you make that entry? A. In the cash-book.

Q. Now, would you have any entry with anybody anywhere except in the cash-book? A. Certainly.

Q. Where? A. In my ledger.

Q. In your ledger? A. Yes, sir.

Q. Under what item in the ledger would you put that entry? A. Under the item of cash, and under the item of Commonwealth, — cash debtor to the Commonwealth.

Q. What would you enter under the item of Commonwealth? A. Commonwealth credit by cash.

Q. What would you put on the debtor side of the Commonwealth account? A. I would not put anything.

Q. Why not? A. Because I haven't done anything.

Q. What would you put on the other side? A. What side?

Q. Under the cash in your ledger? A. In the cash account?

Q. Yes. A. I should put cash debtor.

Q. Cash debtor? A. Yes, sir.

Q. Would you put any entry in the credit of cash? A. No, sir; why should I?

Q. I am asking you. A. Well, I should not.

Q. Now, Mr. Fairbanks, on your judgment as an expert book-keeper, have you now completed all the entries which you would make in a proper set of books, kept by double entry, to record the fact that a woman who died at the Tewksbury almshouse with a certain amount of money, which we have called $5.00, — that that has all been properly accounted for, turned over to the treasury, and you have completed your accounts, and the account is closed? A. No, sir; you have not gone as far as that in your question.

Q. Tell me what next you would do. A. I don't know.

Q. You don't know? A. Unless you tell me what you want me to do.

Q. I want that account closed with this woman. The money has passed out of my hands into the hands of the Commonwealth, and I want the account closed. A. You did not tell me that.

Q. I want to close the account with the Commonwealth, and I want to close the account with that woman. A. A dead woman?

Q. With the dead woman. A. You haven't told me what your account is, to begin with, with her.

Q. My dear man, I told you to give me the names of all the proper entries which you would make. A. Well, sir, you started out with the time the money was in your hands.

Q. Never mind about that; I now ask you again, and I don't want you to quibble about it either. A. I don't intend to.

Q. I want you to tell me all the entries you would make to keep the account with that dead woman in a proper manner by double entry, and with the Commonwealth. A. Well, sir —

Q. And if there is anything omitted, then please supply it. A. I must beg your pardon; you must state a case to me that is probable.

Q. Don't argue; just give me the entries, and, if you don't understand me, go on and supply the information as I have now suggested it. A. I think I know what you want, and I think I can state it.

Q. Very well; try it. A. I should have an account, in the first place, with the inmates, in which I should enter the amount of cash that I had received from them, in some form. I should not put that in double entry.

Q. Suppose her name is Hannah Smith; give us the entry. A. Hannah Smith, and carried out.

Q. In what book would that be? A. If I chose to keep it in the form of a simple memorandum-book I should have a memorandum-book for that purpose.

Q. Don't do that; we are keeping them by double entry. A. I should say, cash debtor to Hannah Smith, — in her lifetime, not after she is dead. I don't keep accounts with dead persons; never did. Cash debtor to Hannah Smith is the simple, school-boy entry, as simple as A, B, C.

Q. Now, is that the only entry you would make? A. That is the entry when I receive the money from her, if I am going to keep it by double entry.

Q. Won't you go on and give us the names of all the entries you would make by double entry in turning that money over to the Commonwealth, so as to keep your books straight. A. Yes, sir. Now, if the woman is dead, and you want to go

through with all the formula of a perfect system of double entry book-keeping —

Q. That is exactly what I want to do. A. I should make an entry of it in some form to show she is dead.

Q. Don't tell me you would enter it in some form; give me the entry you would make. A. Cash debtor to the estate of Hannah Smith.

Q. Where would you make that? A. In any book I chose to keep; cash-book.

Q. Don't put it in that way; tell me, I want to learn something about that business, tell me in what book you would put it in and how you would write it. A. In keeping the accounts of an almshouse I should not think of going through any form —

Q. Don't give us any almshouse; just give us this entry you would make.

Gov. Butler. We are not investigating anything but an almshouse.

Mr. Brown. Oh, no; we had mortmain a moment ago.

The Witness. Cash debtor to the estate of Hannah Smith is the ordinary way of making such an entry as that.

Q. Where? A. In the cash-book, if you chose to open an account and carry it so.

Q. Would you have any entry except in the cash-book? A. Not with that transaction; certainly not.

Q. Now, I ask you again, — I want to turn this money over to the Commonwealth, because it is escheated, — she was a pauper and it is escheated; she has no relatives or anything of that kind, — and I want to get rid of the money; I am superintendent, and now I want to know what next entry to make. A. If I was going to get it to the Commonwealth, and wanted to get it into proper shape, I should say in my regular books of the almshouse, cash debtor to the Commonwealth for amount received from the estate of Hannah Smith, $50.00.

Q. Yes, sir; in your cash-book? A. Certainly.

Q. Is that the only entry you would make, — in your cash-book? A. In my auxiliary books, of course; my ledger.

Q. Give us your auxiliary books, the entries in them. A. If I was going through the form, — if I was going to journalize my cash —

Q. Not if you were; I want the fact. A. I beg your pardon; I answer your questions as I understand them.

Q. Do you understand my question? A. Yes, sir.

Q. Now, let me see if you do. I want you to tell me all the various books and the various entries which you would make in a proper set of books, kept by double entry, to account for $5.00, the property of Hannah Smith who dies, which I, as superintendent, am bound to turn over to the Commonwealth. Now, won't you go on. A. Now, if you will allow me, I will do it.

Q. Go on. A. I should turn to my cash-book.

Q. First? A. First.

Q. Very well. A. At the proper time, — that would be the immediate time when I chose to put that into my cash-account, — and I should write on the cash-book, "Cash debtor to the Commonwealth for amount of money received from the estate of Hannah Smith, $50.00." Now—

Q. The woman only had five; I want you to remember that. A. I don't care what the amount is; you can call it fifty cents.

Q. Very well; call it $5.00. A. Five dollars: I should leave it right there. At the proper time, when I chose to post this cash, I should post it directly to the ledger without the intervention of a journal, and made my cash debtor and the Commonwealth creditor for that amount of money. At the proper time, when that money was paid out, I should enter upon the credit side of the cash-book, cash credit by the Commonwealth, paid to the State treasurer the amount of money received from the estate of Hannah Smith, $5.00. When I posted the credit side of the cash-book, I should take the sum total and credit the cash account with it, and I should charge the Commonwealth, in the ordinary course of posting, debtor to cash. That would make all the entries that are necessary to be made. That is simple, common school-boy book-keeping.

Q. That completes all the entries, does it? A. Certainly.

Q. Now, won't you just recapitulate and tell me what accounts you have had. You have had a cash-account, you have had an account with the Commonwealth, — have you had an account with anybody else? A. I have an account with the woman.

Q. With Hannah Smith? A. In her lifetime.

Q. And is that account closed now? A. That account might be closed by an entry —

Q. I don't ask you what might be; I want to know whether, — you have got rid of the money and it is in the hands of the

Commonwealth, — I want to know whether that account on your books is closed. A. That would stand to the credit of Hannah Smith.

Q. What would? A. The cash would stand to her credit; and now, I should make it Hannah Smith debtor to the estate of Hannah Smith, to convert the personal account into an estate account; that would make that account correct, if I chose to go through with all that formula, which I should not do by any means.

Q. Now, you have stated it just as you want it, have you? A. I think so.

Q. And, as you believe, it is correct and accurate? A. I think it is correct and accurate.

Q. How long have you spent on these books? A. I have spent several days.

Q. How soon did you commence to examine these books after the thirtieth day of March? A. I commenced to examine these books two weeks ago last Thursday, I believe.

Q. During that time have you ever called upon the man who kept these books for any information as to the method in which he kept them? A. No, sir.

Q. Never have? A. No, sir.

Q. When you wanted any information which you could not readily find, have you ever called upon anybody who has ever had, so far as you know, anything to do with these books, with the keeping of them? A. No, sir.

Q. Now, you said a few moments ago, that there were five or six different ways of keeping books by double entry, and you took that back and, I think, you left it at three, did you not? A. You left it so.

Q. How do you leave it? A. I don't care how you leave it; I can keep them in three ways.

Q. I want you to get rid of this indifference and tell me how many ways there are of keeping books by double entry, as an expert. A. I have no indifference about it.

Q. Just answer the question, then. A. It is simply such an indefinite question that nobody can answer it.

Q. You can't tell, then, how many different ways there are of keeping books by double entry? A. No, sir.

Q. Then, why did you say there were five or six, a little while ago? A. Because there are, and a good deal more.

Q. You said, a little while ago, that five or six were too

many, and called it back; now you say there are more? A. I said I didn't wish to limit it to six, and made it more or less.

Q. Now, how many ways are there; strike out anew and tell me how many ways there are of keeping books by double entry. A. I can't enumerate the number of ways.

Q. There are so many you can't tell; is that it? A. Yes, sir; that is, I can't remember them now.

Q. You understand all these different ways that are so numerous you can't tell them? A. Yes, sir; I think I have seen every style of books, almost, you can name; and for that reason I answered that question, and I want an opportunity to —

Q. You are capable of understanding every style of books, are you? A. Well, sir —

Q. Without any interpretation by the man who has kept them, are you? A. No, sir.

Q. You are not? A. No, sir.

Q. Then there are some ways of book-keeping by double entry which even to your expert mind are not readily understood without some information from the man who kept them, are there? A. Yes, sir; I have seen a great many nobody could understand.

Q. I have no doubt of it. Now, when you found difficulties with these books, why didn't you apply to the man who kept them? A. I found no difficulty that I could not explain to my satisfaction.

Q. Did not? A. No, sir.

Q. You said that you could not find any account with farm products, didn't you? A. With the farm products?

Q. You said you could not find any account of farm products on these books, didn't you? A. Oh, no; not to that extent.

Q. Didn't you say you could not find any account with farm products, such as appeared in the return, printed return, on these books? A. No, sir; not to that extent.

Q. Tell me what you did say. A. I said I found in the State almshouse products account a few items.

Q. But you didn't find any onions, nor any turnips, nor hay, nor potatoes, nor anything of that kind? A. No, sir.

Q. Now, did it ever occur to you that possibly the man who kept those books might illuminate your understanding? A. Yes, sir.

Q. And find the cabbages and turnips and hay somewhere

else? A. I always think that a man who keeps the books understands them.

Q. Never mind what you think; I want you to answer my question. Did it ever occur to you to consult him? A. Yes, sir; it did.

Q. Why didn't you ask Mr. Charles Marsh? A. I didn't want to know.

Q. You didn't want to know? A. No.

Q. That is just what I supposed. I have got at the truth, now, I guess. You didn't want to know; that is your answer, is it? A. I didn't want to know in this —

Q. For the purposes of your testimony here you didn't want to know; isn't that correct? A. Oh, no. I wasn't investigating that subject, particularly; and, as I said in the first place, I didn't have anything to do with going into the detailed examination of these books.

Q. Pray, who did have something to do with a detailed examination of these books? A. I don't know as they have been examined in detail by anybody.

Q. You don't? A. No, sir.

Q. Now, you have examined these books, and you have testified, and you have given this committee the impression, at least you have intended to, haven't you, that these books have not been properly kept? Hasn't that been the object of your testimony, to give this committee the impression that these books have not been properly kept? A. I don't think I have said so.

Q. I want to know if that has not been your intention? A. No, sir.

Q. To give this committee the idea that these books have not been properly kept? A. I haven't had any such intention.

Q. Do you now desire that this committee shall understand they have been properly kept? A. I wish them to understand this, that so far as these main books give the transactions which they profess to record, that they are substantially correct.

Q. Very true. Now, Mr. Fairbanks, on your oath, I want you to tell this committee whether any examination you have made of these books enables you to state with accuracy whether the Commonwealth has or has not lost one dollar at the Tewksbury almshouse. A. So far as —

Mr. Brown. Answer my question.

Gov. Butler. Let him answer it.

Mr. Brown. No, I don't want him to answer it.

Mr. Murphy. I object. When the counsel asks a gentleman a question, I think it is only fair to let him answer it. He asks him a question, and then he won't let him answer it.

Mr. Brown. If you will keep still you will find out what I want.

Mr. Murphy. I will not keep still while I am a member of this committee, and I think I have a right to object when I don't think things are fair. He may say things to His Excellency, the Governor, but I won't stand it. I want that understood at once, now and for all, that I don't propose to allow the counsel to tell me to keep still, whatever he says to His Excellency, the Governor.

Mr. Brown. Whenever I am interrupted in the midst of a question, I always ask a gentleman, courteously, to keep still.

Mr. Murphy. I don't think you asked me courteously.

Q. Now, I want you to understand my question. I interrupted you, because, from the mode of your answering, I saw evidently that you did not understand. I want you to state to this committee, whether upon any examination which you have made of these books, you are able to say whether the Commonwealth has or has not lost a dollar at the almshouse at Tewksbury in any improper manner. A. I shall claim the right to answer that question in my own way.

Mr. Brown. I want you to.

The Chairman. Just answer it in your own way.

The Witness. So far as these main books are concerned, there is nothing to show that the Commonwealth has sustained the loss of a dollar.

Q. Yes, sir; in other words — A. Wait a moment: I claim the right to answer it in my own way.

Q. If you haven't finished, go on. A. So far as these books are concerned —

Q. You refer, now, to the inmates' cash? A. I now refer to inmates' cash-book, — it is impossible for me to say how much, if anything, the Commonwealth has lost, or whether, with one exception, there has been any loss. I think that one exception is the case I referred to in my testimony a day or two ago, when the entry made was of $50.00; assuming that there was $50.00 of the inmates' money, and it was carried into the cash-book as $33.00, that would be a loss: assuming that these entries are correct as they stand, assuming that I have no

right to say that they are not correct after the erasures have been made, then, so far as I know, the amounts here have been accounted for correctly in the cash-book. If they have been erased and altered, that is nothing for me to say as a matter of book-keeping, I suppose. That is the way I will answer that question.

Q. (By Mr. Wolcott.) Does the last part of your answer apply to any other books than what is called the inmates' cash-book? A. No, sir.

Q. It applies solely to that? A. It applies solely to that.

Q. (By the Chairman.) What is the loss there, if there has been any loss; what is the amount in that particular case? A. In that one instance?

Q. Yes, sir. A. Well, the one instance that I refer to is a case where the entry in the book here is $50.00, and it is entered in the cash-book as $33.00.

Q. Then there was a loss of $17.00, apparently? A. On its face.

Q. (By Mr. Wolcott.) Is that an instance of an erasure? A. Yes, sir.

Q. And does the $50.00 remain? A. The $50.00 is over an erasure.

Gov. Butler. The $50.00 is supposed to be rightly there, and is carried into the cash-book $33.00.

The Witness. So far as I know, these entries have been made in the cash-book as they appear.

Q. Is there an erasure, also, in the other book, of the $33.00? A. No, sir.

Mr. Wolcott. I don't understand, then, why, if the $33 00 is the original entry, the $50.00 should be over an erasure.

Gov. Butler. The original entry is $50.00.

Mr. Brown. The original entry is $50.00.

Gov. Butler. That is, it is left $50.00 after the erasure has been made. It is $50.00 in the inmates' cash-book as it stands; at least, over an erasure; but, when the Commonwealth is credited with it, it gets to be $33.00; that is all.

Q. (By Mr. Brown.) Now, Mr. Fairbanks, with that single exception, you have not been able, from any information which you have been able to get, to show any loss to the Commonwealth, except in that one instance of $17.00?

Gov. Butler. From *any* information he has been able to get, — do you mean that?

Mr. Brown. Any information he has been able to get from these books.

Gov. Butler. All right.

A. From an entry which has been made, where the almshouse has been charged for coal in two instances, from the information which I have, and from information, — do you ask it in that way?

Q. I ask you, information from the books. A. Then I shall answer that I haven't any.

Gov. Butler. Nothing from the books.

Mr. Brown. Nothing from the books.

Q. How many sets of books have you ever examined as an expert? A. I could not count the number; I have examined a great many.

Q. When? A. Well, all the way from 1860 up to the present date.

Q. What set of books, during the last year, have you examined? A. I have examined the books in the Burroughs case, I believe, within the last year, — I am not certain whether it came in this year or not, — a case of an alleged defalcation at the Faneuil Hall Market. I have examined the books of the Police Relief Association, on the alleged defalcation of Mr. Follansbee. I have examined a very long and intricate account — administrator's account — in a case pending in the Middlesex court.

Q. Any of these books kept by double entry? A. Yes, sir; kept by double entry. I have examined books in, — I can name a good many other cases previous to that, if you wish me to.

Q. I don't care to go back of that. Now, let us come to the matter of handwriting. You examined these letters which were written by Cornelius H. O'Brien, didn't you? A. Yes, sir.

Q. And you came to the conclusion that —

Gov. Butler. Well, sometime we want to go home. I think, for one, I have earned my salary here to-day.

The Chairman. I guess you have, Governor, and all the rest of us. The hearing is adjourned to half-past nine to-morrow morning.

Adjourned to Thursday, May 10, at 9.30 A. M.

TWENTY-SIXTH HEARING.

THURSDAY, May 10.

The committee met in the Green Room at 9.30 A.M., Senator LORING, of Worcester, in the chair.

TESTIMONY OF RICHARD MOREY (*sworn*).

Direct examination by Gov. Butler.

Q. Where do you live? A. In Gloucester.

Q. How long have you lived there? A. All my days.

Q. Is your father living? A. No, sir; my father is dead.

Q. Have you a sister? A. I have.

Q. What is her name? A. I have three sisters. Mary E. Munroe is my oldest sister, and I have two more.

Q. Did you have one ever sent to Tewksbury? A. No, sir; I had an aunt that was sent to Tewksbury.

Q. What was her name? A. Ellen Allen.

Q. When did she go? A. She went there, I think, in the middle of March, 1877.

Q. Did she go from your home? A. Yes, sir.

Q. Who went with her? A. My father.

Q. Why did she go? A. Well, she was helpless; she was paralyzed; she could not help herself in any way, and there was a certain time we could not handle her very well. Finally, she thought she would go to Tewksbury; she would be better off, although she went against our wishes; but she made up her mind to go, and so she went.

Q. Just before she went, did you see her? A. I did, sir.

Q. Did you know the preparation made for her going? A. I did, sir.

Q. Whether she had any money? A. She had.

Q. How much? A. Well, the night before she went away, her and father were sitting at the table, and I saw them counting money. I was not near enough to see how much money they had, but I knew it was money; and I heard father say afterwards, I think, I am pretty positive mother asked him —

Mr. Brown. Never mind what your father said.

Q. Right there your mother asked how much there was? A. Yes, sir.

Q. Well, that will do. What was said?

Mr. Brown. I ask the judgment of the committee on this.

Gov. Butler. Can there be any doubt about this? You and I and Mr. Fairbanks are sitting here counting money, and the chairman asks, "How much have you got there?" "How much is it?" I name the amount. There is then no controversy about anything. That is assented to; that is, nobody says that is wrong. That is the highest evidence.

The Chairman. I don't suppose what the father said would be any evidence of the amount of money. The point is how much money she took, I suppose.

Mr. Brown. How much money she had when she got to Tewksbury.

Gov. Butler. Pardon me: I am talking about how much money he knew she had at that time. Now, what her father said would be — he had just counted it in her presence. They had been counting it together in her presence. The mother asked: "How much do you make it?" Now, is it any matter who says, of the counters, "Why, so much?" Both agree. It is an act. The declaration accompanies the act. It has been admitted in every court everywhere.

The Chairman. I don't think it is admissible, but it is the same that was admitted before. The committee will do what they will with it.

Gov. Butler. I propose to show — a person in the presence of her brother and sister is about to start for a place, a voyage to Europe or anywhere else. She being partially paralyzed, her brother counts the money for her. She sits by and looks on. Then, they having counted the money, the sister says — who has not engaged in counting — "How much is it?" Her brother says it is so much. The count is going on. It is not hearsay: it is not the evidence of a past transaction. It is what is said at the time the transaction is going on. It becomes

a verbal act. Now, if there was at that time any antagonism between the parties it might throw doubt upon the truth of the declaration made in the presence of the parties. But at that time there was none; none whatever. Now, gentlemen, upon this matter, how does it strike your minds? Would it not be evidence to you in the common and ordinary transactions of life? Is there any man here who would not think that was the best evidence?

The Chairman. Why shouldn't these parties, the brother or the sister who counted it for her, testify?

Gov. Butler. Because both are dead; that is the only reason; they would if it were not for that. And that was in the testimony. The woman is marked dead on the books; the father is dead, — that is in the testimony. Otherwise I would have them here with great pleasure. I did not know that the father was dead, and I sent for him and found that he is dead.

The Chairman. He counted the money; his evidence would be positive as to how much money there was at that time.

Gov. Butler. And he was positive and so said at that time. And suppose he was living, Mr. Chairman, and could not remember. That is usual and supposable. Then we bring a party to whom he said at that time what there was and who does remember, and then we should have to depend upon that at last. I respectfully insist that it would be evidence in a case of murder, where we hold the rules as strictly as anywhere in any court of justice, if we wanted to find out whether a man had a motive for murdering a man for his money; and it has been frequently the case. A man stops at a hotel, and counts his money in the presence of a third party. He says how much there is of it, and then that third party, in whose presence he was, waylays him and kills him. In order to show the party waylaying him had a motive, that would be evidence to be put in and has been put in, — I am now speaking from experience in a common case. It is an ordinary transaction. The question is, is the evidence open to suspicion? that goes to its weight. Is it a transaction in life? that goes to its competency. And I respectfully insist, as strongly and as urgently as I may, that this is evidence.

Mr. Brown. Mr. Chairman, the proposition strikes me as a very novel one, and I am very much surprised to hear a gentleman so learned in the law as His Excellency, state that there is

any ground for it. If some representative of this institution, which is sought to be charged with this money — because that is the issue; they say that here has been mismanagement, to wit, that this Ellen Allen had money which she took to the Tewksbury almshouse; that the amount of money which she actually took there, by some either negligence or intention, has not been credited to her, and therefore there has been mismanagement or embezzlement. Now, it would be perfectly proper to put in what His Excellency claims, if any officer of the Tewksbury almshouse had been present at that interview. If any representative of this institution, or of those people who are sought to be charged with this money, or who are charged with the crime of misappropriating this money, or misdemeanor — if any such person had been present it would have been perfectly competent. But we are three stages removed from that. Now, let us see. In the first place this young man didn't take his aunt to the almshouse, he has already said that; in other words, he said his father did. Now, the night before they went to the almshouse this testimony tends to show there was a counting over of money. He didn't count it, he simply saw that there was money there. The aunt and the father were there near the table, the money was counted, and he heard a conversation as to some sum of money. He don't pretend to be able to tell the conversation exactly as it took place; but he heard either the aunt or the father name a sum of money, and that was the night before. Well, now, he didn't go to the almshouse. He don't know but they might have stopped at the store the next morning, as they went to take the train, and spent five, ten or fifteen dollars of her money; he don't know how much it was. That is not any money received at the almshouse; it is not taken to the almshouse; there is no evidence of it. On the other hand she might have been counting out that money with the intention of lending it to her brother, and she might have lent it to her brother; and that might have been money which she never intended to take to the almshouse, and didn't take to the almshouse, and never was received by anybody at the almshouse. So that we are at least three or four stages removed from any proposition that I ever heard had any favor in any court of justice. It seems to me it is not an ordinary case, Mr. Chairman and gentlemen, where we can spend a little time, or where we could have got along with less time by not undertaking to discuss it; but it is an attempt on the part of this wit-

ness, who don't know anything about the fact which ought to be shown anyway, to charge these people, — it is an attempt on the part of this witness to throw, as it were, a certain kind of insinuation that somebody had some money here that they hadn't accounted for, or something of that kind. Now, Mr. Charles Marsh will be on the stand as a witness, and I intend that he shall review every one of these transactions. And fortunately for Mr. Marsh we shall have other witnesses to show, in almost every one of these items, how much money there was, and what became of it. And I believe that Mr. Marsh will satisfactorily account for every dollar that is entered upon the books; and I don't believe Mr. Marsh or anybody else ought to be called upon to account for a sum of money which a woman had in Gloucester the day before she ever started to go to the Tewksbury almshouse. I don't think it is fair.

Gov. Butler. Mr. Brown has, as usual, argued everything else but the point before the committee. How closely I shall connect this with the Tewksbury almshouse remains for the future, and that is another question which you may or may not be called upon to decide. But the simple question is, not the one that he has argued — he has not touched that — it is not the conversation; that is not the thing. The thing is to show how much money there was there at that time; whether she loaned it, whether she wanted to loan it to her brother or her sister, or to buy clothing out of the store, she would want to know how much there was of it, and therefore she was counting it. Now the other modes of disposing of it are to be dealt with hereafter, and they go to the weight and not to the competency of the testimony. What Mr. Charles Marsh swears to, or will swear to, is a matter of entire indifference to everybody, upon the question now before the committee. Assuming that he will swear don't alter this question. And if I were to be driven into the region of answering these remarks, I should say that if he is bad enough to steal a pauper's money, he is bad enough to swear to cover it; that is the difficulty that I find. So that to tell me what he will say or what he won't say or swear to, or to tell you, is not a fair treatment of you in arguing a single question of the credibility of evidence. I am now trying to prove how much this woman started with; I will then connect it —

Mr. Brown. You are trying to prove what she had the night before she started.

Gov. Butler. What she had when she was making her preparations to go; I am trying to prove that amount, whatever that amount was. Now, if that amount should correspond with what we find on the book where the original entry was put down, it would be a strong circumstance, wouldn't it, that she had it when she got there, although the entry has subsequently been changed; or, if it was more than that, and the entry was made over an erasure, it would show that there was some occasion to erase it. But that is outside of this question. The question is, shall I be allowed to prove by a declaration at the time of a party engaged in counting that money, when they were counting it for a friendly purpose, when there was no interference or controversy or claim of dispute, and when a brother and a sister are fitting out a paralyzed sister to go to the almshouse the next morning on the first train, and they are getting ready, and she is counting her money before going to a strange place, — not an improper precaution wherever a person is going. And, while the brother and this woman are counting it, not a conversation, but the sister says: "How much do you make it?" or, "How much is it?" And the father answers right there: "We find so much." I insist again that upon that point alone now, — I don't want any other, and I have not presented any other, — I insist that upon that alone that is legal testimony before any court on earth; and the strongest evidence I have of it is that Mr. Brown don't argue that proposition at all, but undertakes to lead your minds away to the hardships and wrongs his clients are suffering. I submit it to the good judgment of this committee.

Mr. Brown. I want to say a single word.

Gov. Butler. I think I have the close here, sir.

Mr. Brown. You can speak afterward, but I want to say a word now.

Gov. Butler. Oh, no, sir. I object.

The Chairman. Of course it will lead to a reply from the Governor. Your arguing again will lead the Governor to reply.

Mr. Brown. I am perfectly willing that he should. He says I don't discuss the point to which he refers; I admit it. When I make a charge that a certain piece of evidence is incompetent, improper and immaterial, I never spend any time in discussing it; I always stand outside and undertake to show that it is incompetent, improper and immaterial; I never dis-

cuss the thing itself. But I want to put to this committee again this single proposition. What are we trying to find out? We are trying to find out whether this set of books is correctly kept for one thing. Whether any money of inmates which came to the attention and within the possession of the authorities of the Tewksbury almshouse has been accounted for. That is what we are trying to find. Now, it is not of the slightest consequence what money this woman had the night before she went to Tewksbury; not the slightest. She may have borrowed some money of somebody to make her preparations to go to Tewksbury, and she may have been counting over that money. That may be, however much this witness testifies; that money may have been money which she then and there was borrowing of her brother who is now dead. All I have to say about it is simply this: that if this committee are to sit here and listen to evidence of a kind so remote, so indirect, evidence which the Governor admits he cannot trace to Tewksbury — the nearest approach to it he can make is that the night before she came to Tewksbury, there was upon the table being counted by these parties, a certain sum of money. That is the nearest approach to it. Now, I submit that this testimony is so far removed from any competent evidence that it is not only not worth the while of this committee to spend their time upon it, but it is absolutely doing this defence an injustice, because we have no means of protecting ourselves against the testimony of this witness. In the first place we never know who is coming on to the witness-stand, and we never know what is to be said by the witness. And there we are. We cannot enter this household the night before this woman went to Tewksbury, and tell whether this testimony is true or not. It is impossible for us to do that. It is enough for us to say and to point out that whatever the testimony is, it is absolutely immaterial, improper and incompetent.

Gov. Butler. Now, the ground has wholly changed once more. The chairman did me the honor to say that had the man lived he would have no doubt I might prove it; if the father was here to swear to it that he counted the money. Now all this statement is in regard to whether the money got to Tewksbury or not. It would not get to Tewksbury any better if the father was here to swear that he saw it and how much it was. If she borrowed it to go with, it is all the more likely she took it with her. Whether she borrowed it of her brother

or anybody else, I don't care about the title to the money. She might have borrowed it. Be it so. I am willing to concede that she borrowed it of her brother to go with. Then she took it. That adds to the strength of the evidence. Now, the counsel says that they never know what witnesses we are going to call. Why, it was only last night, when I had a witness here about some coal, that the counsel interrupted and said they knew all about that coal transaction.

Mr. Brown. All about the coal, but not all about the witness.

Gov. Butler. And the witness was the one from whom they bought the coal: and he shipped it. It is only shifting. It is morning now, and last night it was night. Now, again, it is said I admitted I couldn't trace it. I wish gentlemen could be a little more accurate in their statements. I have not admitted any such thing, nor thought of it. On the contrary, the strongest evidence sometimes is circumstantial evidence; and I have a right to prove my case here by circumstances which to unprejudiced and fair-minded men tell with redoubled force — much more. The witness may be false, but circumstances, if they are known correctly, cannot be false. For instance: a man was found dead with a bullet in him, nobody near him. Upon probing the wound they took out a part of a little song, a piece of paper, the wad over the bullet. They took out the part of a little song which was on the paper and it was cleaned and preserved. A man was arrested and in his pocket was found the other part of the song, just fitting in with the paper — in with the paper used as a wad. Now, that was stronger evidence than all the informers' evidence which has been presented against the prisoners at the Irish trial. It was conclusive to any man's mind. So circumstances can be very conclusive. In this country the question was, Who broke into the Railroad Bank at Lowell? There was found, where one of the bolts was drilled off, a little triangular piece of the drill broken out of the drill. Afterwards, within a few days, a man was arrested with a kit of burglars' tools. Among that kit was a drill, and into that drill fitted that little piece. The jury convicted him without leaving their seats. Much more, nobody undertook to swear that they saw him on that night, and that they recognized him as the man. There is no doubt about circumstances. Now, if I can show, may it please the committee, how much

money she started with, if I can show how that tallies with what is on the book, or ought to be on the book; if I can show that then there was a going up there and a call for the money; and if I can show a set of circumstances that have a tendency to show how this was, the committee, in my judgment, are bound to hear those circumstances, like any other tribunal. They cannot take one circumstance and say, that don't prove your case. I know it don't; one swallow don't make a summer. I am now on the simple proposition. Can I prove by party declaration at the time the money was counted, the money being exhibited, and both being there to count it — can I prove that as a circumstance to show how much money the party had at that time when she was preparing to leave her home? Why, against an insurance company it would be evidence, if we had insured our property on the high seas going to Europe, in that particular matter. And that is all there is before the committee. Now, I want to say a single word here. I am accused here every time, almost, — no, but a large portion of the times,— of wasting the time of the committee; and that is made for a purpose. Now, if the committee will just hold to the order of debate which is held in all civilized tribunals, to wit, that the party propounding a matter which is objected to, the objection shall be heard, with such argument as the objector chooses to give; and then the party propounding — having the burden — shall make an argument such as he chooses, and there the debate shall stop, why, we shall save a great deal of time. I invoke the enforcement of that rule. It is not sufficient to say, you can have the reply for three, four or five times over. That is what wastes time. And every time — this is the fourth or fifth time where Mr. Brown has been allowed — twice under my objection — to go on and reply to me a second time. I have never asked to reply to him when he has made any proposition, except to make a proper reply; and I won't, for the purpose of saving time. I want that rule enforced.

The Chairman. That is the rule, unquestionably; but I think it has been trespassed upon on both sides.

Gov. Butler. I beg your pardon, sir; I have not trespassed upon it.

Mr. Risteen. I move that the testimony be admitted.

Mr. Putney. I would like to ask the Governor a question. I would like to inquire whether His Excellency thinks he can introduce evidence to show that a certain sum of money

which she had on the eve of leaving, before she left Gloucester, was finally placed upon the books at Tewksbury — the same amount of money?

Gov. Butler. I will state, sir, with frankness, exactly my case. What I propose to prove is that Ellen Allen or Mary Allen — Mary Allen —

Mr. Brown. I beg your pardon; that is not the woman we are talking about.

Gov. Butler. Ellen Allen, — Mary is just above it, sir: Mary is the second one above it, and I saw that — that Ellen Allen entered Tewksbury — No. 51, 802 — and she died there, and had one dollar to her credit, which was passed over to the State. I propose to show that Ellen Allen had $146 in her possession when she started. I propose to show that this one dollar is over an erasure. And my expert has sworn that by looking through the paper, and examining it with a glass, evidently forty-six dollars and some cents was on it; and whether the one is scratched out or not he don't know. Now, then, I assume that taking these circumstances together, and taking the circumstance that no money was received from her estate, except this one dollar, that this is testimony; that it raises such a state of affairs as will lead reasonable men to come to the conclusion that Ellen Allen had more money than the one dollar which the Commonwealth got. That is what I propose to prove.

[A vote was taken, and the evidence was admitted.]

The Chairman. The question may be answered.

Q. (By Gov. Butler.) Now, sir, before this long story commenced, you had said your father and your aunt were counting over the money on the table, and you said that your mother asked how much it was? A. Yes, sir.

Q. What did your father say? A. "Near enough to call it $150."

Q. Did you see what was done with the money? A. I could not say for sure what was done with the money: no, sir, I could not; but I know she took the money. He counted the money out, and she took it. Whether she put it in her pocket or not, I don't know. I didn't see that part of it, but she took the money.

Q. Did she take a trunk, or anything with her, as to clothes? A. I know she took clothes. No, she didn't take any trunk — I won't be positive about that, whether she took a trunk.

Q. She took some clothes? A. She took some clothes. I am sure she took some clothes.

Q. Now, did she have — do you remember whether there was any change, or silver? A. She had two gold rings, a pair of gold ear-rings and a gold pin, and some gold studs — three gold studs, I think. I know she had some; I won't be positive about the number; but I am pretty sure it was three. She had a black cashmere double shawl; two dresses, which were nice dresses. She had lots of other clothes besides. She had nice underclothes; but those were the most valuable articles she had.

Q. Were they taken away when she got there? A. They were. She took them with her. She also had a bank-book with her.

Q. Do you know on what bank? A. I don't, I am sure.

Q. Had she lived in Gloucester? A. She had lived there in the house some time.

Q. By some time you mean some years? A. Yes, sir.

Q. She went up with your father. Did she come back? A. No, sir; she didn't come back.

Q. How long did she live at Tewksbury? A. Well, I think she went up there in March, 1877, and she died in May sometime.

Q. The same year? A. Yes, sir; I know she didn't live but a short time after she went there.

Gov. Butler. [Referring to the book.] She died May 16, 1877.

Mr. Brown. She entered April 3.

Q. Did your people get any notice of her death? A. They did.

Q. How soon after she died? A. I don't know when she died. I could not say about that; but I know they got notice that she died, and father went up. I could not say just when she died — the date she died.

Q. How soon did he go after he got notice? A. He went next day. That was along towards 5 o'clock; I took the letter and went down from the house to where he was at work and gave it to him.

Q. A letter came? A. Yes, sir.

Q. And he went the next day? A. Some of the girls, or my mother, I don't know which, got the letter from the office and brought it up; and I took it down and gave it to father.

Q. And he went up the next day? A. And he went up the next day.

Q. Did he get the body? A. No, sir.

Q. Did he get anything? A. No, sir.

Q. Dresses? A. No, sir.

Q. Clothes, rings, or anything? A. No, sir; nothing at all. Got nothing at all, and could not get any satisfaction.

Q. Was the matter — you need not say now what was said — was the matter of not getting anything talked over in the family after he came back? A. Well, there was not a great deal said about it. There was some talk about it.

Cross-examination by Mr. Brown.

Q. How old are you? A. Twenty-one years of age.

Q. Always lived in Gloucester? A. Yes, sir; always lived in Gloucester.

Q. Whereabouts in Gloucester have you lived? A. No. 10 Cedar Street.

Q. When did your father and mother die? A. Father died two years ago last March; mother will be dead three years this month.

Q. You have brothers and sisters living in Gloucester? A. I have three sisters.

Q. What is your business? A. Carriage painting.

Q. For whom? A. George Hazard.

Q. How long have you been with him? A. Well, I have worked for him, on and off, for about two years and three months.

Q. Principally on or principally off? A. Principally on.

Q. Very well; who else have you worked for? A. I have worked for a number.

Q. Give us the names of the people. A. George D. Gardner, carriage painting.

Q. Who else? A. That is all I have worked for, carriage painting.

Q. What else have you done? A. I have worked in a stable.

Q. What stables? A. Mr. Nathaniel Webster's.

Q. Gloucester? A. Yes, sir. And Mr. D. M. Hilton.

Q. What other? A. That is all.

Q. Where do you now live? A. No. 10 Cedar Street.

Q. Same place? A. Yes, sir.

Q. Who keeps house for you? A. My sister.

Q. How many are there of you living there together? A. There are three of us.

Q. When was this that this conversation took place between your aunt your father and your mother? A. The night before she went to Tewksbury.

Q. When was that? A. I could not say the day.

Q. Give us the year. A. It was in 1877.

Q. What part of the year? A. I think she went from there in March. If you say it was in April I suppose it was. As near as I can tell it was in the middle of March.

Q. That this counting of the money took place? A. Yes. sir.

Q. Now, sir, why are you able to say it was the night before she went to Tewksbury? A. Because my mind tells me so.

Q. What is there in your mind that tells you so? A. I don't know why it tells me, but I can remember it was the night before.

Q. How do you remember? A. How does anybody remember anything?

Q. I don't know, that is what I am asking you. What other fact enables you to remember it was the night before she went to Tewksbury? A. Because it was the night before. The next day she went to Tewksbury and that was the night before.

Q. You are certain about it? A. I am just as certain as that I am sitting in this chair.

Q. Who took your aunt to Tewksbury? A. My father.

Q. Did he drive over or go on the train? A. Went on the train.

Q. On what train? At what time of day? A. I would not be positive about that; sometime in the morning. I won't be certain whether it was quarter-past six or not.

Q. Do you know? A. I do not.

Q. You didn't see them take the train? A. I went as far as the depot with them.

Q. What train? A. I could not say. There are a number of trains.

Q. I want to know what time of day they went. A. I am not positive what train they took.

Q. Are you certain whether they went in the forenoon or afternoon? A. I am sure it was in the forenoon; yes, sir.

Q. Now, who was present in this room besides yourself and your aunt and your father and your mother? A. Well, there were two sisters.

Q. Two sisters? A. Yes, sir.

Q. Where are they? A. They are in Gloucester.

Q. Now, I want you to tell me what you first saw about this matter. A. What I first saw of it? The first I saw of it was their counting it over.

Q. That is, the first you saw it was on the table? A. The first I saw, I saw her take it out of her bosom or somewhere around here, I don't know whether out of her bosom or where it was, and pass it to father. Father counted it over and she took it.

Q. That is, your aunt did that? A. Yes, sir.

Q. Your father counted it over? A. Yes, sir.

Q. Was it a large pile of bills? A. Large enough to be what I said.

Q. I didn't ask you that; I want to know whether it was a large or a small pile of bills. A. I don't remember that; I think it was a pretty good sized pile; $150 is a big pile.

Q. Silver? Was there any silver? A. I won't be positive about that.

Q. Won't you tell us whether you know whether there was any silver or not? You know whether you saw silver or not? A. I won't be positive whether I saw any silver or not.

Q. Did your aunt ask your father to count it? A. Well, she gave him the money and I suppose she asked him to count it.

Q. Well, did she ask him to count it? A. No, sir; she didn't. She said, "Here, John." Then he counted the money.

Q. What was the next thing in the conversation that you heard? A. Well, they were talking about it.

Q. I want you to tell me what you heard. A. I am trying to tell you.

Q. Well, go on. A. They were talking about making preparation for starting.

Q. I want to know what was said; I don't want your idea of the talk. What was said? A. I cannot tell.

Q. Who spoke first after your aunt handed the money to your father? A. My aunt.

Q. What did she say? A. She said, "Well, I guess I am pretty near ready to start in the morning; I guess I have got everything all ready."

Q. Who spoke next? A. My father, I suppose.

Q. Do you know anything about it? A. Yes, sir; I do.

Q. Your father spoke; what did he say? A. "Yes, I guess you have; everything I know of."

Q. Who spoke next after that? A. I don't know who spoke next after that.

Q. You don't? A. No, sir.

Q. Do you know what was said next after that? A. No, sir; I don't remember.

Q. Won't you tell me where this expression came in, used by your father, that there was about $150? A. That was in the conversation that was after my aunt had gone to bed.

Q. After your aunt had gone to bed? A. Yes, sir; we helped her upstairs.

Q. After your aunt had gone to bed. So your aunt was not there at the conversation about the money? A. No, sir; my aunt was not there at that time.

Q. Aha! Your aunt was not there at all; it was after? A. After she had gone to bed, mother asked father how much money she had. When mother came down stairs father was in the kitchen.

Q. Let us see. How long had your aunt been up stairs before this conversation took place? A. How long?

Q. Yes, sir. A. Well, mother helped her up stairs, and then came down into the kitchen; two or three minutes I should judge.

Q. Now, after your mother had helped her up stairs and had come back, who spoke first? A. Mother.

Q. What did she say? A. Mother asked father how much money aunt Ellen had.

Q. Who? A. Aunt Ellen.

Q. Did she use that expression? A. I suppose she did; I should.

Q. What was your father's reply? A. Near enough to call it $150.

Q. Near enough to call it $150? A. Yes, sir.

Q. Those are the exact words? A. Yes, sir.

Q. In the order in which they were said? A. Yes, sir.

Q. No question about it? A. No question at all.

Q. You remember it distinctly? A. I remember it distinctly.

Q. Very well. Now, if your father counted that money

why couldn't he tell exactly how much there was? A. I suppose he could.

Q. Did he do so? A. No, sir. I remember that in fact he didn't. I know that is the reply he made.

Q. You don't know whether he meant to say $125, $130, or $140 or $149? A. Nothing except what he said.

Q. Nothing except what he said? A. Nothing except what he said, — "Near enough to call it $150."

Q. Could your father read and write? A. He was not a practical writer, but he could read and write.

Q. Was your father brought up in Gloucester? A. No, sir; he was not.

Q. Where did he come from? A. My father came from Newfoundland.

Q. How long had he been there? Were you born there? A. I heard him say he had been thirty years in Gloucester. He had been in the country longer than that.

Q. Now, have you stated all the conversation that you heard between your father and your mother, or anybody else with your father, after his return from Tewksbury, after the death of your aunt? A. Have I stated all the conversation that passed between them?

Q. Yes; that you heard? A. After the death of my aunt?

Q. After the death of your aunt? A. Well, father came home —

Q. No. I want to know if you have stated all the conversation you have heard? A. No, sir, I have not; not all the conversation that was passed after he came home from Tewksbury.

Q. Very well. How many shawls did you say your aunt had? A. One.

Q. What kind of a shawl was that? A. It was a black cashmere double shawl.

Q. A black double cashmere shawl? A. Yes, sir.

Q. How large? A. Well, it was a double shawl; it must have been pretty large; I could not give you the exact dimensions, but it was a double shawl.

Q. Well, it was a large, heavy, ordinary cashmere shawl, was it? A. It was a nice shawl.

Q. She took that with her, you think? A. She did.

Q. Now, after your father returned from Tewksbury, after

her death, did you hear him say anything about that shawl? A. Not particularly; not that I know of.

Q. I want to know whether you heard anything said about that shawl? A. Not in particular; no, sir.

Q. Well, in general? A. Well, take the whole of them together —

Q. No, I don't want to take the whole of them together. Come down to the shawl and whether or not anything was said about that shawl? A. No, sir; not that I heard, about the shawl.

Q. What other article of clothing did your aunt have when she went to Tewksbury? A. Two nice dresses.

Q. What were they; silk? A. I think one of them was.

Q. Sure about it? A. I am not.

Q. What color? A. Black.

Q. A black silk dress — two of them? Let us see if we understand each other.

Gov. BUTLER. I don't see how that can be.

Q. Your aunt had two black silk dresses? A. I won't be sure about two black silk dresses; no, sir.

Q. How many are you sure of? A. I am very sure of one.

Q. What was the other? A. The other was black; I am not a judge of women's dresses.

Q. You know the difference between cashmere and silk, because you know what a cashmere shawl is? A. Well, there is a good deal of difference; I don't suppose all cashmeres are alike.

Q. Well, this was one silk dress and the other was a cashmere? A. I don't know; I am not sure about the cashmere. One was silk.

Q. But they were both black, and both nice, good dresses? A. Yes, they were.

Q. How long had she had them? A. I could not say about that.

Q. Did she have any other dresses besides these two? A. She had other dresses, but these were all of any consequence.

Q. Now, did you hear your father, after he returned from Tewksbury, after her death, say anything about either silk or cashmere dresses? A. No, sir; I did not.

Q. Now, what other articles of clothing did she have beside

the shawl, and the two dresses? A. That is all the clothing. She had clothes on.

Q. Did you hear your father, after the death of your aunt, after his return from Tewksbury, say anything about clothes other than the silk dress, the cashmere, and the cashmere shawl? A. I don't understand what you say.

Q. Did you hear any conversation between your father and anybody as to the other clothing which she had when she went to Tewksbury, except the two dresses and the shawl? A. No, sir.

Q. Did not? Then the clothing you didn't hear any conversation about? A. Yes, I did.

Q. What was it? A. When father came home, he said he had asked for her things and could get no satisfaction. All the satisfaction he could get was that she was buried and they knew nothing about her things. He could not get rings, clothes nor anything else. Those are just the words he used. He didn't say anything about dresses, but he said "rings, clothes or anything else."

Q. You don't know whether she ever went away with any rings? A. Yes, I do. I know she had them on her fingers, because I saw them.

Q. You never saw them afterwards? A. No, sir.

Q. You don't know whether she left them with your father before she got to Tewksbury? A. If she had, most likely father would have brought them home.

Q. Don't argue the question. Just tell me whether you know that she got to Tewksbury with those things? A. I could not swear to it.

Q. And you don't know whether she ever got to Tewksbury with that money, do you? A. No, sir, I could not swear to it, but I don't suppose father left it on the road.

Q. I don't ask you to argue the question. Now, I want to know, Mr. Witness, if you know anything about this case whatever, except hearsay — what somebody else told you? A. That is about all I know; what I heard pass between father and mother.

Mr. Brown. That is, all you know is hearsay. That is all.

Q. (By Gov. Butler.) How soon did this conversation between your father and your mother take place after the return of your father from Tewksbury? A. Do you mean before she died or after she died? I think it was that evening that he

came home. I won't be positive, but I am pretty sure it was that evening.

Q. It was soon after at any rate? A. Yes, sir.

Q. Now, in that conversation what did your father say about getting the body? A. He said he went there and asked for it, and they told him that the body was buried and they knew nothing about anything that belonged to her or anything else.

Q. What? A. They told him that she was buried and they knew nothing about anything that belonged to her — articles of clothing or anything else.

Q. Jewelry or anything else? A. Yes, sir.

Q. Did he speak about the money? A. I suppose he did; he said he did.

Q. In this conversation did he speak to you or to your mother about the money? A. Yes, sir; he did.

Q. Did you ask him whether he got it or not? Did he say whether he got any? A. He did. He said he didn't.

Q. Said he did not? A. Yes, sir.

Q. Got neither money, jewelry nor clothes? A. Yes, sir.

Q. And they said they didn't know anything about it? A Yes, sir.

Q. (By Mr. Brown.) There are two questions I omitted to ask. I want you to tell me whether your aunt Ellen had any brother except your father? A. She had a brother Patrick.

Q. Where did he live? A. In Boston.

Q. Whereabouts in Boston? A. I don't know.

Q. Did you ever know? A. I heard, but I have forgotten.

Q. When did you last see him? A. I don't know as I ever saw him to remember him.

Q. Didn't he live at No. 54 Prince Street? A. I could not say.

Q. Then I want to ask you another question. What did your aunt Ellen do before she went to Tewksbury? Did she have any business at which she worked? A. No; she wasn't doing anything; she was paralyzed.

Q. For how many years before she went to Tewksbury, within your knowledge, had she been paralyzed? A. I could not say.

Q. Ever since you can recollect? A. Oh, no; not so long as that.

Q. Tell me as near as you can. A. I don't care about any guess work.

Q. I mean the time when she was paralyzed. I am glad to see you so conscientious. Just give us the best judgment you have. A. I could not say.

Q. Can you tell within five years? A. Yes; I guess it was five years, anyhow.

Q. That is, she had been paralyzed five years to the best of your recollection? A. Yes, sir.

Q. What had she ever done, to your knowledge, to earn money? A. Servant.

Q. Where? A. Different places. California one time. She was a servant out there; she kept house for brother Patrick in Boston, I think, and she lived out in Boston, also.

Q. Did she ever live out in Gloucester? A. No, sir; never.

Q. (By the CHAIRMAN.) How long had she lived with your father before she went to Tewksbury? A. I think she had been there about a year and a half, or two years.

Q. And your father had lived there, you say, ever since you were born? A. Yes, sir; right in the same house.

Q. Why did she go to Tewksbury? A. Well, she was paralyzed, and could not help herself at all; she was fussy, and she thought she would be better off to go there, though she went against mother's wish and all of our wishes.

Q. Against your father's wish? A. Not so much against his as against mother's; but still, father didn't like to have her go.

Q. You think she went there with $150 in her pocket? A. Yes, sir.

Q. Do you know whether she had a residence in Gloucester, or not? A. She had a residence there at the house; that is all the residence I know about.

Q. You don't know anything about her residence? A. No, sir.

GOV. BUTLER. She had lived there only about a year and a half, and that was the reason she went to Tewksbury.

Q. (By the CHAIRMAN.) How old was she?

Mr. BROWN. She is recorded here as 36.

The WITNESS. I should judge she was somewhere in the vicinity of 40.

Q. Do you know whether or not your father complained to

anybody about the money, or other things? A. No, sir; I don't know—outside of the house.

Q. (By Mr. BROWN.) Did you ever see this bank-book? A. Did I ever see it? Yes, sir.

Q. When the last time? A. I saw it that day.

Q. Saw it that day? A. Yes, sir.

Q. What bank was it on? A. It was not on any bank in Gloucester.

Q. It was not on any bank in Gloucester. Well, was it on a Boston bank? A. I think so; but I would not say sure.

Q. Was it in one of those Manila envelopes? A. Well, it was in an envelope. I don't know whether it was Manila, or what it was.

Q. It was a sort of light-colored envelope? A. Yes, sir; light brown.

Q. You noticed it was on a Boston bank? A. No; I didn't notice whether it was on a Boston bank, or what it was.

Q. When was it you noticed it was on a Boston bank? A. It must have been some time before that; I didn't notice it at that time.

Q. How much money was in the bank? How much did the book show? A. I don't know; I am not sure.

Q. Have you ever been under arrest? A. No, sir; I have never been under arrest, and I want you to distinctly understand that, too. I have never been under arrest. I am not going to have my character run down by you.

Q. (By Mr. LEARNARD.) Did your aunt use to pay board to your father? A. She paid some board.

Q. Did you ever see her pay him any board? A. I have seen her pay board to mother, but not to father.

Q. She lived there about a year and a half? A. Yes, sir.

Q. You don't know how much she used to pay a week? A. No, sir.

Q. (By Mr. GILMORE.) Did you hear anything said between your father and your aunt as to whether she would carry this money with her or not? A. No, sir; I don't know as I did.

Q. Or whether she thought she would take it with her? A. she wanted to leave her jewelry and her clothes behind her. That was when they first began to talk about her going. She wanted to leave her jewelry and clothes behind her, but mother told her she had better take them with her.

Q. Her money, also; did she want to leave that? A. No, sir; I never heard about the money.

Q. (By Mr. LEARNARD.) Did your father and mother have any conversation about her board that night, after your mother came down stairs? A. No, sir; not that I remember.

Q. You are sure of that, are you, sir? A. Yes, I am sure.

The CHAIRMAN. Does the record show where this woman was born?

Mr. BROWN. It says, "Birthplace Ireland, from Gloucester."

Gov. BUTLER. That will account for her not having a settlement. She could not properly get a settlement.

Q. (By Mr. BROWN.) Perhaps you can tell me how it was that your aunt was born in Ireland, and your father in Newfoundland? A. One was born in Newfoundland and the other in Ireland.

Q. You know that was the fact, do you? A. No. I don't know that to be a fact.

Q. Can you understand how it came about? Can you explain how it came about? A. No; I cannot explain how it came about, only by hearsay.

Q. Except by hearsay? A. Well, you tell me you was born so and so, and I would tell you I was born so and so.

Q. You have heard your aunt say she was born in Ireland? A. I have heard my mother say that she was.

Q. I am asking you about your aunt. Did you ever hear anything said about where your aunt was born? A. No, sir; I don't know as I did.

Q. You don't know whether she was born in Ireland or Newfoundland? A. Only what I have heard mother say; that they were both born at the same place, and mother said she was born in Ireland, so I supposed she was.

Q. But your father, you say, was born in Newfoundland? A. I don't know; I was not there.

Q. (By Mr. PUTNEY.) There seems to have been an impression that your aunt was sister to your father. She was sister to your mother? A. She was sister to my mother.

Q. And they were from Ireland? A. Yes, sir.

Q. And your father was from Newfoundland? A. Yes, sir.

Mr. PUTNEY. That seems to be the explanation of the whole thing.

Q. (By Gov. BUTLER.) Did you ever see the inside of this bank-book? A. Well, I have seen it but I don't know as I ever saw it to know the amount of money in it, or anything of that kind. I have seen it. That is, I have never had it in my hands to look right at it. I may have taken it in my hand to pass it to her, and I may have been alongside of her when she was looking at it, but I have never had it in my hand to read anything in it.

Q. (By Mr. GILMORE.) In regard to this money that your father counted, if I understand you, when your father counted it he gave it back to your aunt? A. Yes, sir.

Q. And said it was about $150? A. No, sir.

Q. I understood you to say that your father counted the money and gave it back to your aunt, and said it was near enough to call it $150? A. No, sir; I did not say that he said that to my aunt.

The CHAIRMAN. I should like to ask the Governor whether the evidence is admissible, the conversation not having taken place in the presence of the aunt at all?

Gov. BUTLER. I can't see that it makes any difference, sir.

Q. (By Gov. BUTLER.) I understood you to say that you have sisters? A. Yes, sir.

Q. Are your sisters in Gloucester? A. They are. One of them is older than I am, and she is sick; the other is younger than I am.

Q. How much? A. Five years.

Q. Is the older sister able to come here? A. No, sir; she is not.

Q. And the younger is about how many years younger? A. About five years younger than I am.

Q. Then she would be quite young? A. Yes, sir.

Q. (By Mr. PUTNEY.) At the time of the death of your father, did he own the estate where you now live? A. Yes, sir.

Q. So that he was in a situation to get along without receiving any great amount from your aunt from board, was he? That is, he was in fair circumstances? A. Yes, sir. The estate was not wholly cleared, but there was not a great deal of debt on it. He got along without her assistance so far as board was concerned.

Q. (By Mr. Chamberlain.) How much in amount did your father leave when he died? A. He left two houses.

Q. About how much in value? A. They were appraised at $3,000.

Q. Do you mean for the two houses? A. Yes, sir.

Q. Were there any mortgages on the houses?

The Witness. Am I obliged to answer that question or not?

Mr. Chamberlain. I only wished to know the amount of property your father left.

The Witness. There was a small mortgage on it.

Q. How much? A. There was not a great deal.

The Chairman. Answer, if you know, Mr. Witness.

The Witness. There was in the vicinity of six hundred dollars.

Mr. Chamberlain. That is all I desire to know, — the amount of the property.

Q. (By Gov. Butler.) Was that the original mortgage or had some been paid on it? A. I don't know about that. I am sure.

Q. There is one question I want to ask you about your father. Do you know that your father called upon the Hon. Charles P. Thompson about this matter? A. Well, I knew my father and Charles P. Thompson were intimate friends, but I didn't know that they ever had any conversation about this matter. I know they were very intimate friends.

Gov. Butler. We will get Mr. Thompson here before a great while.

Arthur H. Phippen (*sworn*).

Direct examination by Gov. Butler.

Q. Mr. Phippen, are you a book-keeper for Bangs & Horton? A. Yes, sir.

Q. I sent down to you for a transcript of their books, did I? A. I made them.

Q. Those were made by you. [Showing witness papers.] A. Yes, sir.

Q. Are they a correct transcript from the books? A. They are, sir.

Q. I see one purports to be the Massachusetts State almshouse at Tewksbury in account with Bangs & Horton, debtor and creditor, commencing in the year 1878, and covering 1879 and 1881; and the other purports to be an account with Thomas

J. Marsh, Esq., with the same firm, commencing in '76, and in '77, '80 and '81. Now, sir, I want you to take Mr. Marsh's account and read what is there. A. Want me to read the whole account, sir?

Q. Yes, sir. A. T. J. Marsh, Esq., in account with Bangs & Horton. 1876: April 19, 5 10-20 tons broken coal at 7.40, delivered at Exeter (that belongs to the price) $74.72. April 19, 4 4-20 tons stove coal, at 8. 10, delivered at Exeter.

Mr. Brown. I pray the judgment of this committee whether it is worth while to go into this unless it is claimed that this was paid for out of the funds of the Commonwealth.

Gov. Butler. I suppose I shall show that, sir; otherwise it would not be of any great consequence.

Mr. Brown. With the understanding that that is going to be shown I don't object.

Gov. Butler. I suppose we had better do that now.

Mr. Brown. That is, have that understood now?

Gov. Butler. Yes.

Mr. Brown. All right; go on.

Gov. Butler. I don't mean to say all these items were paid for by the Commonwealth; I only say some of them.

Mr. Brown. And you are going to point out which ones?

Gov. Butler. By-and-by; yes, sir.

Mr. Brown. Thank you.

The Witness. May 31, 3 17-20 tons egg coal at 7.30, delivered at Tewksbury, $28.10. November 21, 10 19-20 tons stove coal, 6.25 delivered at Tewksbury, $73.91. That was the amount for the year 1876 and foots up $176.73. Now, shall I read the opposite side?

Q. Yes, sir. A. 1876: April 21, by $74.72. I have here in red ink, "books destroyed." July 12, by check, T. J. M., Second National Bank, Boston, $28.10. December 8, by check, T. J. M., Second National Bank, Boston, $73.91. That adds up $176.73, and balances the account for that year.

Q. Now, then, by what road was that coal shipped, sir? A. The coal to Exeter was shipped by the Boston and Maine Railroad; the coal to Tewksbury by the Lowell Railroad, the Boston and Lowell.

Q. Now, will you go on. A. I should like to ask one question, — if it is proper now to give any explanation of that red ink item "books destroyed."

Q. Oh, certainly, sir. A. Then I should be glad to do so.

Of course, if the books were all destroyed I could not have prepared this paper. The ledger, this was taken from; beyond the ledger I have no books for that year, and what I supposed was wanted was the method of payment, which I cannot give for that item.

Q. (By Mr. Brown.) How did they come to be destroyed? A. We cannot keep so many books, we have so many; we keep only what is sufficient for our business.

Q. (By Gov. Butler.) All you find is that that is crossed out on the ledger? A. It is marked; yes, sir.

Q. Credited? A. I suppose I ought to have said, By cash entry; it means cash in some form or other.

Q. Precisely. Now, with those first items, was the freight paid for by you? A. By our firm; yes, sir.

Q. Now, we will take 1877. A. Yes, sir. 1877: Jan. 12, 5 7-20 tons broken coal, 6.50, delivered at Exeter, $34.78. Oct. 22, 5 13-20 tons stove coal, at $6.00, delivered at Exeter, $33.90. Nov. 16, 6 4-20 tons broken coal, 5.75, delivered at Exeter, $33.65. That was in 1877.

Q. And was freight paid for on these tons? A. Now, if you will be kind enough to let me look at that just one moment. [Referring to transcript.] The item of October 22 was paid for by Mr. Marsh, and on the credit side he got credit. I should say the freight was paid for by Mr. Marsh, and he is given credit for $7.06, for the amount so paid by him.

Q. For the amount so paid by him; that is, you paid it first? A. No, sir; we charged him for it and, as he paid it, we gave him credit for it.

Q. Then you paid it first, of course? A. No, sir; we charged it, simply, to him in his bill, and, as he paid it, we deducted it when he paid us.

Q. But you paid it to the company? A. To the railroad company?

Q. Yes. A. No, sir; he paid it to the railroad company. We anticipated the payment of it when we sent the bill.

Q. Anticipated it; afterwards he paid it to you? Was there any payment made of the first item there? A. No, sir.

Q. Of the freight? A. No, sir.

Q. Now, then, sir, we come to 1878. A. Yes, sir. I observe that the others were paid, in all but one instance, in checks on the Second National Bank. Now, we come to 1878. 1878: Sept. 9, 5 14-20 tons broken coal, at 5.90, delivered at

Exeter; 5 1-20 tons stove coal, at 6.25, also delivered at Exeter, $62.44, — that is the amount of that bill. Dec. 24, 6 18-20 tons broken coal, 6.20; 7 4-20 tons stove coal, 6.65, both delivered at Tewksbury, $90.66.

Q. And on that did you pay the freight? A. We did, sir; unless there is something on the opposite side, but I think there is not. No, sir; we paid the freight there.

Q. You paid the freight and didn't charge it to him? A. We charged it to him in the first place, as I stated in the first place, delivered at Tewksbury, — all expense paid, delivered at Tewksbury.

Q. And how is it with the Exeter shipments? A. That is the same, sir.

Q. That is sufficient for my purpose there. Now, here is the State almshouse coal for the three years. A. Do you wish this read?

Q. No; Mr. Brown can have it read, if he desires. That coal went by the Lowell, didn't it? A. It went by the Lowell Railroad; yes, sir, always.

Q. And the freight of the State almshouse coal you did not pay? A. We did not pay. It was all delivered, either at Boston or Salem, to the cars.

Q. Now, I want to ask you, — those are State almshouse bills, and they went by the Lowell road, — now I want to know if you know whether any of those, — there are some bills here "Delivered to Tewksbury," — do you know whether they went to the State almshouse, — I mean now in the Marsh bills, — or went to the minister or other people there? A. I do not know, sir. I know we have sent coal to Tewksbury to the minister, or to a minister, but I don't know his name; I have no recollection of that.

Q. To a minister, and on Mr. Marsh's order—purchase? A. On Mr. Marsh's order.

Cross-examination by Mr. Brown.

Mr. Brown. Please hand me the State account.

Gov. Butler. Whenever I get ready to put it in you shall have it.

Mr. Brown. I understood you offered it to me.

Gov. Butler. I never offered it to you, and you never understood any such thing, because you could not.

Mr. Brown. You are very kind indeed. I understood the

witness had a transcript of the State account with Bangs & Horton.

Gov. BUTLER. I have one, sir.

Mr. BROWN. And that it was put into his hand and you asked me if I desired him to read it.

Gov. BUTLER. That was the State account; the account of the coal delivered to the almshouse.

Mr. BROWN. That is precisely what I want.

Gov. BUTLER. There you have it, sir. [Handing paper to Mr. Brown.] But the other account I shall keep for the present.

Mr. BROWN. Do you mean there is another account besides these two?

Gov. BUTLER. Oh, yes.

Mr. BROWN. Thank you.

Gov. BUTLER. But not on their books.

Q. Now, I believe you are a relative of Mr. Phippen of the Suffolk Bank? A. No, sir; I am not.

Q. You are a relative of the Phippens down to Salem? A. Yes, sir.

Q. Where did you come from; Salem? A. Yes, sir.

Q. Now, I notice in this account of Thomas Marsh, there is in pencil, here, "M. A. Davis," in the 1876, and "T. J. M,"—is that your handwriting with pencil? A. No, sir.

Q. Do you know whose it is? A. No, sir.

Q. Now, were you delivering, your firm delivering, Bangs & Horton delivering any coal to the State during the year 1876? A. This account will show. I won't say from memory. [Examining paper.] No, sir; we were not.

Q. That is to say, that is the account of all the coal your concern ever furnished to the State, and that [referring to the other paper] is Thomas J. Marsh's private account? A. Yes, sir.

Q. Then, in the year 1876 your concern did not furnish any coal to the Tewksbury almshouse for the account of the State? A. We did not.

Q. Did not; and the first year in which you did furnish any coal to the Tewksbury almshouse for the account of the State was in 1878; am I right? A. It was; yes, sir.

Q. And you then furnished it again in 1879, and you furnished it again in 1881? A. Yes, sir.

Q. Why didn't you furnish it in 1880? A. Because we could not get the bid; somebody bid lower?

Q. Somebody bid lower; you bid for 1878, and you got it? A. Yes, sir.

Q. And you bid for 1879, and you got that? A. Yes, sir.

Q. You bid for 1880, but you didn't get it then? A. Yes, sir.

Q. You bid for 1881, and you got it? A. Yes, sir.

Q. So that in all the years since you have known Thomas J. Marsh and dealt with him, you have only succeeded in getting the bid three times? A. That is it, exactly; yes, sir.

Q. Now, did you make a bid in 1876? A. I am pretty positive we did not, but I can't answer that question.

Q. Did you make one in 1877? A. I can't answer that, either.

Q. Now, I want you to tell me whether the coal furnished to the State in the years '78, '79 and '81 is the same kind of coal which was furnished to Thomas J. Marsh's private account in '76, '77, '78, '79, '80, '81 and '82. A. Generally not, but there are some items that are for the same kind of coal.

Q. Some items that are? A. Yes, sir.

Q. Now, this coal that was furnished to Thomas J. Marsh's private account, that went to Tewksbury, — I understood you to say that it went to some minister. A. There was some coal went to some minister in Tewksbury.

Q. Did Thomas J. Marsh pay for this coal to Bangs & Horton, in these three years, in a check? A. The Tewksbury almshouse or Thomas J. Marsh; which did you say?

Q. Thomas J. Marsh, as the superintendent of the Tewksbury almshouse, came and paid for this coal: did he pay it by check? A. By check.

Gov. Butler. That one that says check.

The Witness. The Tewksbury almshouse coal, he says, sir.

Gov. Butler. The Tewksbury almshouse coal was all paid for by check.

Q. That was all paid by check? A. Yes, sir.

Q. Now, I want you to tell me whether the coal furnished for the Tewksbury almshouse was at a fair market price? A. It was at a very low price, indeed.

Q. Very low price. A. Very low price.

Q. And, in your dealings with Mr. Marsh, you never dealt

with him for coal for the State except upon a bid? A. No. sir; never dealt with him in any other way; no sir.

Q. He never came into your place and bought coal for the account of the State except he had first secured a contract with you that ran for a period of time? A. Not to our knowledge. But, if Mr. Marsh had come in and wanted a lot of coal, of another kind of coal, sent to the almshouse on that same contract, we should have done it; and the bill was always rendered to the State in such cases.

Q. Now, won't you look at these two bills and tell me, in the same years in which you furnished coal to the State, whether Mr. Marsh paid the same price for the coal that was furnished to his private account? A. There are a good many items here, and I should say, without going into it thoroughly, I should say, generally, he paid a great deal higher?

Q. How much higher? A. Well, let me see; I should have to make a figure or two: the freights bother me. Here are cases where he must have paid, — there is one item, 65 cents higher.

Q. That is, in both cases, both almshouse and the private account, what you call long tons? A. 2,240 pounds is what we always sell.

Q. And he always bought in that way, did he? A. Always.

Q. Now, did you give Thomas J. Marsh, when he bought this private account, a receipted bill in every instance? A. In every instance; yes, sir.

Q. And did the bills show where the coal was going? A. I don't think they did. There may have been one or two exceptional cases that the name of the party to whom it went was put on the bill; but, generally, I should think not. We didn't do that; it is immaterial, so far as we are concerned.

Q. Now, Mr. Witness, I want you to read me the account with the State Almshouse in 1878, and the account with Thomas J. Marsh (private) in 1878, giving the price per ton in each case, so that the country can compare the difference between the two. A. In 1878, — this is the State Almshouse account, — March 25, 1,210 15–20 tons broken coal, at $4.00 per ton, delivered at Boston; and, the same date, 49 14–20 tons of egg coal, delivered at Salem, $5,041.80; May 24, 255 16–20 tons of egg coal, at $4.00, delivered at Boston, $1,023.20, — total, $6,065.00. That is the almshouse.

Q. Now, give us the private account in that year. A. 1878: 5 4-20 tons of broken coal at $5.90, delivered at Exeter, and 5 1-20 tons of stove coal at $6.25, also delivered at Exeter, $62.14; Dec. 24, 6 18-20 tons of broken coal at $6.20, delivered at Tewksbury, and 7 4-20 tons of stove coal at $6.65, delivered at Tewksbury, $90.66.

Q. Now, what was the freight on a ton of coal to Exeter? A. By this item, which I have said Mr. Marsh paid Dec. 31, 1877, the freight paid was at the rate of $1.25 from Boston to Exeter.

Q. So, making allowance for the freight, just give me, in round numbers, about what is the average difference in the price of the coal: deducting the freight, tell me what is about the difference in the price of coal, between that which was sold to the State, and that which Mr. Marsh bought for his private account.

Gov. Butler. Of the same kind, sir.

Mr. Brown. Of the same kind, wherever you find they are alike.

A. I find, in 1878, that the almshouse had broken coal at $4.00, delivered at Boston; Mr. Marsh had broken coal at $5.90, delivered at Exeter. Deducting the $1.20 it is $4.65: and that is where I got my $0.65 advance, which I told you of a moment ago.

Q. Now, when Mr. Marsh paid the bill of the Tewksbury Almshouse by check, do you recollect how that check was signed? A. It was signed by T. J. Marsh, but I don't care to say whether it was signed superintendent or not.

Q. You don't recollect? A. I don't recollect; no, sir.

Q. It was a check on the Second National Bank? A. Yes, sir; every time. And another item: I feel positive that the check had a place for a stamp in the corner, and was marked "State check," or something to that effect, showing the absence.

Q. Showing that it was not a private account. A. Yes, sir.

Q. And that you are certain about? A. As certain as it is possible to be.

Q. Now, when he paid a bill of his private account, what check did he give? A. Well, I can only say, so far as my records show, that in the year 1876, I have two items, July 12 and December 8. They are marked on what we call the stub

of the check-book, — that is I keep all my deposits on the fly-leaf of the book from which the check has been torn, and I marked there "T. J. M., Second National Bank, Boston, $28.10;" and, under date of Dec. 8, "T. J. M., Second National Bank, Boston, $73.91." Further than than, I don't know.

Q. Now, sir, did there ever one pound of coal, within your knowledge, go from your concern to the private account of Thomas J. Marsh, either at Tewksbury or any other place, Exeter or any other place, that was paid for by the State? A. To my knowledge, none.

Q. When did you make these two accounts, — these two accounts, the private account of Thomas J. Marsh and the State account, — I want to know when you drew these from your books? A. Well, I can't tell you, positively, what day it was.

Q. As near as you can. A. Well, it was some few days before April 25, the date of them. I didn't date them; however, I can tell you. [Examining letter copy-book.] I have got a copy of a letter. It was the day that the first letter was written to you [addressing Gov. Butler] in answer to your first letter; it was either on the 17th or 18th of April.

Q. (By the Chairman.) Of this year? A. Of this year, sir.

Q. (By Mr. Brown.) In other words, you were called upon by the Governor to furnish this account, a transcript from your books? A. Yes, sir.

Q. And, either accompanying that call or following that call, were your books examined by an expert sent to you by the Governor? A. They were, following that call.

Q. And who was that expert? A. Mr. Records.

Q. Mr. Records, who is now here? [Indicating the gentleman.] A. Yes, sir.

Q. Did Mr. Record say anything to you as to the result of his examination of your books? A. Simply that he was satisfied.

Q. Satisfied with what? A. With his examination.

Q. You furnished this to the Governor prior to the twenty-fifth day of April? A. On the twenty-fifth day of April.

Q. Did you call on the Governor? A. I did not, sir.

Q. Did any member of your firm call on the Governor? A. Presumably, yes.

Q. Didn't Mr. Gilray? A. I beg your pardon, I said yes; it was not a member of the firm, — Gilroy.

Q. It was Mr. Gilray? A. It was.

Q. He called on the Governor? A. Yes, sir.

Q. And did he take these with him to the Governor? A. He did; yes, sir.

Q. Did your concern ever furnish, either to the State or to Thomas J. Marsh for his private account, any coal except what is shown on these two papers? A. No, sir.

Q. You sure of that? A. Yes, sir; emphatically sure of it.

Gov. Butler. I guess he never did in those years.

Q. In any other years, have you any account that is not shown on these leaves? A. No, sir; we have not. I took every book in our office.

Q. Every book in your office? A. Yes, sir.

Q. How long has your concern been in business? A. Ten, fifteen, — at a venture I should say from fifteen to eighteen years.

Q. How long have you been there as book-keeper? A. I should think about ten years.

Q. And, during the entire period, — you have examined the books for the whole period, during all the time when your concern has been in business, and you find no account except this? A. That is all, sir.

Q. That is everything? A. That is everything.

Q. Now, Mr. Witness, I want you to read that State account so that it may go to the country. [Witness read.]

DR. MASS. STATE ALMSHOUSE, TEWKSBURY, IN ACCT. WITH BANGS & HORTON. CR.

1878.								1878.					
March 25.	To 1210 15-20 tons Broken coal, c.	$4,	@	Boston,	$5,041 80			March 30.	By check on Second Nat'l Bank, Boston,			$5,041 80	
March 25.	49 14-20 " Egg "	4,		Salem,				June 5.	" check " " "			1,023 20	
May 24.	" 255 16-20 " Egg "	4,		Boston,	1,023 20								
						$6,065 00							$6,065 00
1879.								1879.					
April 17.	To 1206 3-20 tons Broken coal,	$3.75,		Boston,	$4,523 06			June 4.	By check on Second Nat'l Bank, Boston,			$5,716 12	
April 25.	" 318 3-20 " Egg "	3.75,		"	1,193 06								
						$5,716 12							$5,716 12
1881.								1881.					
April 12.	To 54 7-20 tons Broken coal,	$5.04,		Boston,	$273 92			June 3.	By check on Second Nat'l Bank, Boston,			$1,978 95	
April 30.	" 338 6-20 " Broken "	5.04,		"	1,705 03			July 8.	" check " " "			4,078 12	
May 25.	" 809 3-20 " Broken "	5.04,		"	4,078 12			Nov. 2.	" check " " "			1,767 40	
Oct. 21.	" 249 1-20 " Broken "	5.04,		"									
Oct. 21.	" 94 " Stove "	5.40,		"	1,767 40								
						$7,824 47							$7,824 47

Boston, April 25, 1883.

A true copy. E. & O. E.

BANGS & HORTON.

Q. Now, I want to ask you, Mr. Witness, to read all the entries of the private account which you have not already read? A. I believe I read through 1878.

Q. You read through '77 and '78, — '76, '77 and '78? A. Now you want '79, and what follows. [Witness read from the point indicated, and the whole statement is appended. After reading the entry, $337.10, on the credit side of the account, witness said, "Now, I presume I have permission to state that where I have said here 'in bills,' it was in bills, to the best of my knowledge. If, from any omission on my part, I failed to mark it as a check, why you must take that into account; but, to the very best of my knowledge and belief, it was all paid in bills, and it so appears on the books, — but my books are not marked bills." After the entry on the debtor side of March 24, $19.80, the witness said, "Here is a case where it is marked, 'destination Exeter,' and Mr. Marsh must have paid the freight on that himself, for we didn't. I didn't know there was another item here, but I find that upon reading it."]

DR. T. J. MARSH, ESQ., IN ACCOUNT WITH BANGS & HORTON. CR.

1876.										
April 19.	To	5 10-20	tons	broken	coal	@	$7.40	del'd at	Exeter,	$74 72
		4 4-20	"	stove	"		8.10	"	"	
May 31.		3 17-20	"	egg	"		7.30	"	Tewksbury,	28 10
Nov. 21.		10 19-20	"	stove	"		6.75	"	"	73 91
										$176 73
1877.										
Jan. 12.	To	5 7-20	tons	broken	coal	@	$6.50	del'd at	Exeter,	$34 78
Oct. 22.		5 13-20	"	stove	"		6.00	"	"	33 90
Nov. 16.		6 4-20	"	broken	"		5.75	"	"	35 65
1878.										
Sept. 9.		5 4-20	"	broken	"		5.90	"	"	62 44
		5 1-20	"	stove	"		6.25	"	"	
Dec. 24.		6 18-20	"	broken	"		6.20	"	Tewksb'y,	90 66
		7 4-20	"	stove	"		6.65	"	"	
1879.										
March 24.		5 8-20	"	broken	"		4.70	"	Exeter,	50 06
		5 5-20	"	egg	"		4.70	"	"	
Aug. 12.		7 19-20	"	broken	"		3.75	"	Salem,	29 81*
										$337 10
1880.										
Sept. 6.	To	5 13-20	tons	broken	coal	@	$6.65	del'd at	Exeter,	$37 57
Sept. 9.		5 2-20	"	stove	"		6.65	"	"	33 92
Oct. 22.		5 5-20	"	stove	"		5.40	"	Boston,	28 35*
										$99 84
1881.										
May 18.	To	5 4-20	tons	egg	coal	@	$6.20	del'd at	Exeter,	$32 22
Aug. 25.		5 15-20	"	stove	"		7.06	"	"	40 26
Oct. 21.		5 1-20	"	broken	"		5.50	"	Boston,	55 28*
		4 14-20	"	stove	"		5.85	"	"	
1882.										
March 24.		3 12-20	"	stove	"		5.50	"	"	19 80†
										$147 56

1876.			
April 21.	By†		$74 72
July 12.	Check, T. J. M., Second National Bank, Boston,		28 10
Dec. 8.	Check, T. J. M., Second National Bank, Boston,		73 91
			$176 73
1877.			
Jan. 17.	By		$34 78
Dec. 31.	R. R. freight paid by Mr. Marsh, lot of Oct. 22,		7 06
1878.			
Jan. 4.	Check, T. J. M., Redemption Bank, Boston,		62 49
Sept. 12.	Cash—bills,		62 24
1879.			
March 13.	Cash in bills,		90 66
June 4.	Cash in bills,		50 06
Oct. 12.	Cash in bills,		29 81
			$337 10
1880.			
Nov. 22.	By Cash in bills,		$28 35
Dec. 6.	Cash in bills,		71 49
			$99 84
1881.			
July 6.	By Cash in bills,		$32 22
Oct. 7.	Cash in bills,		40 26
1882.			
Jan. 13.	Cash in bills,		55 28
Aug. 12.	Check, T. J. M., Jr., Lowell Bank,		19 80
			$147 56

* Destination Tewksbury. † Destination Exeter. ‡ Books destroyed.

BOSTON, April 25, 1883.
A true copy. E. & O. E.
BANGS & HORTON.

Q. Now, will you look at this bill-head, dated April 19, 1876, and tell me whether it is your bill-head? A. Yes, sir; it is our bill-head.

Q. Examine that, and tell me whether that is the first item of your private account with Thomas J. Marsh? A. That is the bill for that item.

Q. Now, won't you be kind enough to put your initials on it, either with pencil or ink? A. Ink is the safest. [Marked.]

BOSTON, April 19th, 1876.

T. J. MARSH, Esq.

BOUGHT OF BANGS & HORTON,
AGENTS FOR THE
LEHIGH AND WILKES-BARRE COAL CO.
Maryland Coal Company, and Despard Gas Coal Company.

OFFICE AT 18 KILBY STREET, BOSTON.

Sale on cars delivered at Exeter: —

5 $\frac{1}{20}$	tons W. Barre Brok. Coal,	$7.40,	$40 70
4 $\frac{4}{20}$	" " Stove "	8.10,	34 02
			$74 72

Paid April 21st, 1876,
BANGS & HORTON,
H. A. HAY.

Q. Now, won't you tell me where that coal, designated in that bill, went to, as appears from your record? A. It appears from my record that it was delivered at Exeter.

Q. Now, take the bill dated January 12, 1877; tell me if that is your bill-head? A. Yes, sir.

Q. Will you look and see where that coal was delivered? A. That, also, was delivered at Exeter. [Marked.]

BOSTON, Jan'y 12th, 1877.

T. J. MARSH, Esq.

BOUGHT OF BANGS & HORTON,
AGENTS, ETC.

Sale deli'd at Exeter: —

5 $\frac{17}{20}$	tons W. B. Brok. Coal,	$5.50,	$34 78

Rec'd Payment,
BANGS & HORTON,
A. H. PHIPPEN.

GOV. BUTLER. I suppose, Mr. Brown, these are receipted by the firm?

Mr. BROWN. Yes, sir.

Gov. Butler. And appear in this account, there?

Mr. Brown. Yes, sir.

Q. Now, will you take the bill, September 9, 1878, and tell me where that coal went to?

Gov. Butler. Why go over these items one by one, because his paper shows each item?

Mr. Brown. I want simply to identify the bill, because there are other things on the bill which don't show in his account. Just identify that with your initials. [Marked.]

Boston, Sept. 9th, 1878.

T. J. Marsh, Esq.

Bought of Bangs & Horton,
Agents, etc.

Sale deli'd at Exeter: —

5 $\frac{24}{20}$ tons W. B. Brok., $5.90, ... $30 68
5 $\frac{01}{20}$ " " Stove, 6.25, ... 31 56

$62 24

Paid Sept. 12th, 1878,
Bangs & Horton,
H. A. Hay.

Q. Now, take this bill of Sept. 6, 1880; tell me whether that is your bill-head? A. Yes, sir.

Q. And whether that went to Exeter? A. Yes, sir; that went to Exeter; that is, it was started for Exeter. [Marked.]

Boston, Sept. 6th, 1880.

T. J. Marsh, Esq.

Bought of Bangs & Horton,
Agents, etc.

Del. on cars at Exeter: —

5 $\frac{18}{20}$ tons W. B. Brok, $6.65, ... $37 57

Paid Dec. 6, 1880,
Bangs & Horton,
H. A. Hay.

Q. That is receipted by your house? A. Yes, sir.

Q. Now, take the bill of Sept. 9, 1880; tell me whether that is your bill, and where that went to. That is receipted? A. Yes, sir. [Marked.]

Boston, Sept. 9th, 1880.

T. J. Marsh, Esq.

Bought of Bangs & Horton,
Agents, etc.

Sale deli'd at Exeter: —

5 $\frac{23}{20}$ tons W. B. Stove, $6.65, ... $33 92

Paid Dec. 6, 1880,
Bangs & Horton,
H. A. Hay.

Q. Now, look at this bill of May 18, 1881; tell me if that is your bill; if it is receipted, and where it went to? A. That, now, does not correspond with my account; but, when I made this, you see my entry is the same, is equivalent to that, $32.22. But the price of that coal, instead of being $6.45, was $6.20; that is, because we didn't pay as much freight to Exeter as we expected to pay when we made that bill. Shall I make the explanation so the committee can hear it?

Q. Yes; that is, the bill is at a different price than what appears upon your books? A. Yes, sir. Now, in 1881, on the 18th of May, my account calls for 5 4-20 tons of egg coal, at $4.60 a ton, delivered at Exeter,—$32.22, which was the bill as paid; but the original bill here is at $6.45 a ton, delivered at Exeter. We supposed at that time we should have to pay $0.25 more freight than we actually did have to pay.

Q. When he paid the bill it was deducted on that bill? A. It had previously been arranged on my account, so the amounts agree. It is well enough, perhaps, to have that explanation. [Bill marked.]

BOSTON, May 18th, 1881.

T. J. MARSH, Esq.

BOUGHT OF BANGS & HORTON,
AGENTS, ETC.

Sale d'l'd at Exeter, N. Hamp.: —

5 4/20 tons W. Barre Egg, @ $6.45,	$33 54
Less freight discount,	1 32
	$32 22

Consigned Mrs. Kate S. Atwood.

Rec'd Payment,
BANGS & HORTON,
A. H. PHIPPEN.

Q. Now, take this bill, Aug. 25, '81; tell me if that is your bill-head, and if it is receipted and where it went to. A. Yes, sir. [Marked.]

BOSTON, Aug. 25th, 1881.

T. J. MARSH, Esq.

BOUGHT OF BANGS & HORTON,
AGENTS, ETC.

Sale on cars at whf.: —

5 15/20 tons W. B. Stove, $5.85,	$33 64
Freight to Exeter, $1.15,	6 62
	$40 26

Paid Oct. 7, '81,
BANGS & HORTON,
Per C. W. COLLIN.

Mr. Brown. Here is a case, Governor, where the coal and freight is charged separately.

The Witness. On my account I have it seven dollars; you will see these two items make $7.00; on the bill, you see, it has been entered in two entries.

Q. Did your firm, in any way, directly or indirectly, ever give Thomas J. Marsh any benefit or advantage on account of any contract which he made with you for the State for the delivery of coal to the almshouse at Tewksbury? A. No, sir.

Gov. Butler. How could this gentleman know that?

Mr. Brown. Well, if he don't know he can say so; that is more than some of us can do.

The Witness. I suppose the only advantage that we ever gave him, if we ever gave him any —

Gov. Butler. Oh, pardon me: I object. I am not going to have what advantage, if he ever gave him any. In the first place let us understand if any was given.

Q. Did you give him any advantage? A. I don't know what to answer.

Q. Answer to the best of your knowledge and information and belief. A. I can't answer that without qualifying my answer.

Q. Well, qualify it. A. I simply want to say that in one or two instances on this account I notice that the price of the coal is proportioned to the price of the coal delivered to the Tewksbury almshouse, and is lower than we should have sold any private individual. In the first place, we do not sell any private individual any coal for domestic use, and, if Mr. Marsh got any advantage, he got the advantage of being able to come to us and buy small quantities of coal, which we are not in the habit of selling.

Q. (By Gov. Butler.) At wholesale prices? A. Well, at wholesale prices; yes, sir; that is true.

Q. (By Mr. Brown.) With the difference as shown in that account? A. Yes, sir; generally, as you asked me before, these prices are very much higher than the prices paid for the Tewksbury almshouse coal; but, in one or two items, they seem to have compared very nearly with those prices, as though they might have been based, it being different kind of coal, on those prices. So far I am at liberty to say he had an advantage.

Q. Now, out of the consideration which your firm received from the State for the delivery of coal to the Tewksbury alms-

house, within your knowledge, did Thomas J. Marsh ever receive any benefit, either directly or indirectly, except as you have stated? A. No, sir; most emphatically, no, sir.

Gov. Butler. Now, I want to get him to correct himself in one or two matters which I have no doubt he will, where he has innocently fallen into a mistake.

Mr. Brown. Then you can do that, now, and I will take him up to-morrow.

Q. (By Gov. Butler.) Now, sir, I want you to tell me, — in the first place let me have those papers [the transcript of accounts]; you have checked here on Mr. Marsh's account all the bills that have been shown you? A. Yes, sir; I think I have.

Q. I don't see the check mark. A. There is a check mark there right on that line, sir.

Q. That is made here? A. That is made here by me.

Q. Then, have all the bills been shown you; how many bills have been shown you? A. I have seven bills checked, and, I presume, those were all the bills that were shown me.

Q. That is all you have checked, at any rate? A. That is all I have checked.

Q. Now, have you got a bill of May 31, 1876, checked there? A. No, sir.

Q. That is not checked? A. No, sir.

Q. That bill has not been shown you? A. No, sir.

Q. Had you a bill of Nov. 21, shown you, checked? A. No, sir.

Q. Do you give duplicate bills at the time you make sales? A. No, unless there is some mistake; not a duplicate, — that would not be a duplicate, of course.

Q. That is to say, if Thomas J. Marsh, for instance, had bought this coal on his own account he would get a bill of it? A. Yes, sir.

Q. And, if he had filed these bills in the State auditor's office he could not show them to you, could he, without going to the State auditor and getting them? A. I should think not.

Q. So should I. Now, are you quite sure that your firm did not deal with Thomas J. Marsh, with the Tewksbury almshouse in 1876? A. Yes, sir; I have made a very fatal mistake if they have.

Q. I understand. A. In 1876?

Q. Didn't I ask you in my letter to give me Thomas J. Marsh's account back to 1876, and give me five years of the State account? A. We haven't five years to give you, sir.

Q. But five years back. A. Yes, sir; five years back.

Q. That wouldn't strike 1876, don't you see; therefore, you would not look for it. A. I did look for it, and I took all my ledgers out way back, all the ledgers in the office.

Q. Then, sir, somebody has made a great mistake in book-keeping, and I want to call your attention to it; because, I find on the tenth page of the journal of Tewksbury, there is a little amount that ought not to be overlooked. Do you deal in anything else but coal? A. Nothing else; no, sir.

Q. I find that Bangs & Horton, on this journal, in 1876, are credited with $8,518.61, which is a little item that should not be, if there wasn't any coal sold. A. In 1876?

Q. Yes, sir; these very accurate books. A. I have got some down to the office just as accurate, sir.

Q. I have no doubt you have, and I want to get them together. I think this book is accurate, and you are mistaken. A. That is not my business.

Q. True, there is a little erasure there, but it is 1876, plainly. A. I haven't anything to say to that. I meant to have everything that we sold.

Q. I have sent down to the auditor's office, sir, and I want to ask you if these are your bills. [Bills handed witness.] A. Yes, sir; those are our bills.

Q. Yes. A. I see; then, I skipped it.

Q. You have skipped it. A. I have skipped one year.

Q. You have skipped a year, for here are bills amounting to $8,518, received payment, Bangs & Horton, for coal in 1876. Didn't you have some before that? A. Well, I didn't think I had that, so, of course, I am not going to commit myself again. I think I shall have to have another look.

Q. Now, a word or two further; are these two bills to Marsh's private account? A. Yes, sir.

Q. They were his private account which you haven't checked? A. Yes, sir.

Q. And he had the coal? A. Yes, sir.

Gov. Butler. On his private account. One is a bill of May 31, 1876, and the other is a bill of November 21, 1876, which is in that Tewksbury account, and just come from the auditor's office, and have been paid by the State.

The WITNESS. I simply want to say that on these accounts, as I read here, it says "a true copy, errors and omissions excepted." I have made an omission which, if I am called up again, I will produce.

Q. What is the omission? A. You state that, according to your books, it shows some coal in 1876, an account which I have entirely left off; that is all.

Q. This is the reason, — it is but fair to you, — I didn't ask you to go back of 1878 in the State account, and, therefore, you began in 1878. A. Yes, sir.

Q. And in Mr. Marsh's account I asked you to go back further. A. Thank you; yes, sir, that accounts for it.

Q. In the Thomas H. Marsh account you looked clear back, as I asked you to, but in the State account you didn't look back any further than I asked you. It is not an error in book-keeping, it is only an error in memory; your book-keeping is undoubtedly correct. About this freight, — a man who pays his own freight on small lots of coal between here and Exeter, has to pay a good deal more than you pay, I suppose. A. I suppose he does: that is, particularly if we have a large contract.

Q. You do sell a good deal of coal in Exeter? A. At Exeter? No, sir; not very much; we sell some, not very much.

Q. Portsmouth? A. None at Portsmouth. Oh, yes, beg your pardon; we do sell at Portsmouth, but not on the cars; not to be delivered to Portsmouth on the cars; it goes by vessel, always.

Q. And you have special rates, arrangements, I suppose, for large amounts? A. Special rates for special cases.

Q. But those special cases are large amounts? A. Yes, sir. No, they were not necessarily large amounts; I don't know that they need to be large amounts.

Q. Now, then, Mr. Marsh would have to pay for small amounts of coal sent to Exeter or to Tewksbury more than you would? A. I don't know.

Q. If he paid as other people pay, I mean. A. Well, I can't say as to that; I don't know what Mr. Marsh paid, nor what the railroad charges him; I have no possible means of telling.

Q. I don't ask that; I say the ordinary man, an ordinary man buying a single car of coal would have to pay a higher rate than you paid? A. Yes, sir.

Q. That is all I meant to say. A. An ordinary man; yes, sir.

Adjourned to Friday, May 11, at 9.30 A.M.

TWENTY-SEVENTH HEARING.

FRIDAY, May 11.

The committee met in the Green Room at 9.30 A.M., Senator LORING of Worcester in the chair.

CHARLES P. THOMPSON (*sworn*).

Direct examination by Gov. Butler.

Q. You have been for many years practising law in Gloucester? A. I have, for twenty-six.

Q. Did you know Mr. Morey; I think that is his name? A. I knew Mr. John Morey, I suppose you ask for; I know him very well.

Q. Was he a client of yours? A. Yes, sir; frequently in my office.

Q. Whether, after the death of his wife's sister, — I will come right to the matter, — at Tewksbury, he called on you as counsel about obtaining her effects? A. He did.

Q. Did he state to you his matter? A. He did, but I have not a clear recollection of the particulars; but Mr. Weber, who is a friend of mine and is in my office, I am very sure that I asked him to assist him, and told Mr. Morey to get some lawyer to assist him, telling him he would have to take out letters of administration on her estate: that that was the only way that anything could be done, was to take out letters of administration.

Q. On the estate? A. On the estate of Ellen Allen, the wife of Robert Allen. But what was done about it, I don't know. I am very sure that Mr. Weber filled a petition, but whether anything was done I haven't looked. My attention was only called to this, to come here, this morning.

Q. The property he was seeking was property she carried to Tewksbury? A. Carried to Tewksbury.

Cross-examination by Mr. Brown.

Q. When was this, Mr. Thompson? A. I haven't freshened my recollection, particularly, but I am quite sure it was in 1877. I know Mr. Morey, I think his brother died somewhere about the same time, or soon after; I know he came in to see me.

Q. Where did the brother live? A. He lived at Gloucester.

Q. Do you know where Mr. Morey came from? A. No; but my strong impression is that he is an Irishman by birth, and that he went to Newfoundland, to St. Johns, and came up that way. He has been at Gloucester, however, I should think, for as long as I have been there; I remember him, I know, for a great many years.

Q. He came to consult you about taking out letters of administration? A. No, he didn't come to consult me about that. My recollection is that is what I told him he would have to do in order to recover the property; that he must take out letters of administration on her estate.

Q. Did he say anything about how much property there was there? A. Now, I am sure that he did, but what he did say about it I don't remember, particularly. Mr. Weber remembers very distinctly about the items.

Q. What is Mr. Weber's business? A. Mr. Weber is a civil engineer. He was collector of the port from 1861 to 1865.

JOSEPH PALMER (*sworn*).

Direct examination by Gov. Butler.

Q. About what is your age, Mr. Palmer? A. I was born the sixteenth of October, '43, — thirty-nine last October.

Q. How many years did you live in Exeter? A. I was born there, sir; always lived there up to —

Q. Always lived there till within a short time? A. Up to about three months.

Q. What was your business for the last twenty years, eighteen years? A. I have driven hack, sir.

Q. Do you know the Atwoods and the Marshes? A. Yes, sir; I am well acquainted with all of them, sir.

Q. And down to what time have you driven hack? A. Till within about five months.

Q. And you are now here in the employ of the Metropolitan Railroad? A. Yes, sir.

Q. The Marshes were originally from Exeter, were they not? A. Yes, sir; the father, Mr. Thomas Marsh, lived there, sir.

Q. The father, Mr. Thomas Marsh, the elder, lived there? A. Yes, sir.

Q. Now, how long have you been in the habit, if at all, of carrying the various members of the Marsh family, — or, I will go back a little, did Mrs. Davis live at Exeter? A. Yes, sir.

Q. She is one of the daughters of Mrs. Atwood? A. Yes, sir.

Q. Did they live in the same house? A. Yes, sir.

Q. And, now, how long have you been in the habit of carrying the Atwoods, Davises and Marshes backward and forward from the depot at Exeter to their house, backward and forward in your hack? A. As near as I can recollect, or think, I think it must be about twelve years.

Q. About twelve years? A. I think so.

Q. Now, how frequently did you carry them back and forth? A. Well, as often as they wanted to go. They rode with me all the time; they didn't ride with anybody else in particular, only, occasionally, when they could not happen to strike me.

Q. How often did they want to go? A. Oh, well, going and coming, some of them, pretty much all the time.

Q. How do you know they were going and coming from Tewksbury? A. Well, I always got their baggage checked for there.

Q. You checked the baggage and got the baggage checked from there? A. Yes, sir; I would leave them at the ladies' room door on the front side of the depot and go and get their baggage checked.

Q. And when they came they would give you the check and you would go and get the baggage? A. Yes, sir.

Q. This going and coming was always from Tewksbury, substantially? A. Yes, sir; I believe I didn't check any baggage anywhere else except —

Q. Did they generally take, when they went to Tewksbury, did they generally take a trunk or trunks? A. Yes, sir.

Q. How were they when they took them, light or heavy? A. Light.

Q. When they returned how were they? A. They were heavy.

Q. Was that invariably the case? A. Most always so.

Q. Whether they took backward and forward the same trunks? A. Well, there was one trunk in particular that went backwards and forwards a good deal.

Q. What sort of a trunk was that? A. It was an old-fashioned black trunk; it was, I should think, about three feet long or a little more; it was a very high trunk, over the top; an old-fashioned black leather, I think, — that one in particular.

Q. And that went backward and forward a good many times? A. Yes, sir.

Q. When they came back, you say heavy; how heavy, about as much as you could handle? A. Yes, sir; I used to take it as far as the steps, and sometimes, if I had a man with me that could help me, I would let him help me up with it. Sometimes the sons of Mrs. Atwood would be there and assist me up the stairs with it.

Q. Where was it always taken, carried? A. Into the — most always took it into the front chamber and sat it down at the foot of the bed.

Q. At some time would they come with bundles? A. Yes, sir; but most always trunks.

Q. Most always trunks? A. Yes, sir.

Q. Now, did the old lady Marsh come there? A. Yes, sir.

Q. Now, when were the trunks the heaviest, when she came or when the others came? A. They were the heaviest when she came.

Q. Did they sometimes come with more than one? A. I think three was the largest number that I had at that house at any one time.

Q. Were they all heavy? A. Yes, sir.

Q. Were there instances where you would take Mrs. Atwood or Mrs. Davis, — where she would go down in the morning with a light trunk and come back at night with the same trunk heavy? A. Yes, sir.

Q. Many instances of that sort? A. Well, a great many in the course of the time.

Q. A great many in the course of the time? A. Yes, sir.

Q. Sometimes she would stay awhile and then come back? A. Yes, sir; I think sometimes she used to stay over night, but not quite often, though.

Q. Go quite often and not stay over night. Do you remem-

ber the marriage of the daughter of Mrs. Davis to Dr. Putney? A. Yes, sir, I do; I did the hacking for them.

Q. Now, you say you stopped hacking about — A. About five months ago, sir.

Q. About five months ago? A. Yes, sir.

Q. Did this practice continue down to about five months ago, about the trunks? A. Yes, sir.

Q. In later years what has been Mrs. Atwood's business, if she has had any? A. She hasn't had no business, that I know of.

Q. Didn't she keep a boarding-house for the Exeter boys? A. She used to keep some students, but lately, I think, — the last year or two,—she hasn't.

Q. That is, take them as boarders? A. Yes, sir.

Cross-examination by Mr. Brown.

Q. I didn't hear your name, Mr. Witness. A. My name is Palmer, sir; Joseph Palmer.

Q. Were you doing business for yourself or for somebody else? A. I drove hack for about a year for Charles Towle.

Q. Charles what? A. Charles D. Towle; I drove about a year. I drove about twelve years for —— Blake, who kept the Swampscott House, and was with him till the night before he died, and then I went to work for Mr. Levi G. Towle, and have driven for him about six years. He keeps the American House.

Q. You say that they went constantly. I want to know what you mean by that? A. Well, I don't, — I mean by constantly, some of them were going back and forward quite often.

Q. Quite often? A. Yes, sir.

Q. Some one of the two families? How many were there in the Davis family? A. There was Mrs. Davis and two daughters.

Q. Anybody else? A. One married Dr. Putney, and Mrs. Davis.

Q. Anybody besides Mrs. Davis and the two daughters? A. Not that I know.

Q. Any boys? A. Not that I know of.

Q. How many in the Atwood family? A. There is three, I think, in the Atwood family,—two boys and a girl.

Q. And Mrs. Atwood? A. Yes, sir.

Q. That is four? A. Yes.

Q. Seven persons in these two families? A. Yes, sir.

Q. Now, I want to know how often either one of the seven went from Exeter to Tewksbury? A. That I could not tell you, exactly.

Q. Could you tell us they went once a month? A. Once a month! Lord, yes; they went a good many times in a month.

Q. That is, some one in the seven would go during each month, you think? A. Yes, sir.

Q. To Tewksbury? A. Quite often in a month.

Q. Do you know the old man Marsh? A. I do, sir.

Q. You know Thomas J. Marsh, Jr.? A. Yes, sir.

Q. And his wife? A. I have seen them.

Q. Did you ever take them in your carriage? A. Yes, sir.

Q. How frequently? A. Well, they used to come up there when there was anything going on at the academy, or at the seminary, and the like of that.

Q. Do you know Mr. Thomas, the son of Mr. Thomas J. Marsh, Jr.? A. Yes, sir.

Q. You do know him? A. I do; he used to go to the academy there.

Q. Graduated there, didn't he, and then went to Harvard College? A. I don't know about that.

Q. Did you use to carry him? A. I used to carry him to and from the depot most always.

Q. Do you know where he boarded? A. He boarded at this house; Mrs. Atwood's.

Q. Mrs. Atwood's? A. Yes, sir.

Q. And was there any other of the Marsh family boarded at the Atwoods'? Miss Nellie Marsh ever go to school at Exeter?

A. I don't know about Miss Nellie Marsh going to school there; I think Miss Nellie Marsh died some time ago, recently.

Q. Yes; but you don't remember of her going back and forth? A. I don't seem to remember about her going to school.

Q. I want to know if this is not the condition of your recollection; you recollect that somebody was going back and forth from Tewksbury to Exeter quite frequently, but you can't say positively whether it was the Atwoods or the Davises, or young Marsh, who was going to school and boarded there, or the old man Marsh, or Mrs. Thomas Marsh, Jr., or Thomas Marsh himself. A. Well, I think —

Q. Among all these people.

Gov. Butler. Let him answer.

Mr. Brown. Wait and let me finish my question, — among all these people who were frequently going and coming there. Now, isn't this the condition of your recollection, that you remember that fact and you don't remember anything more? A I think that Mrs. Marsh, the old lady, was the one who went the most frequently.

Q. The one who went the most frequently. A. Yes, sir.

Q. Now, won't you answer the question, whether that is not the condition of your recollection, that among these seven, nine, eleven, twelve people, — these twelve people, the Atwoods, the Davises, the family of the old man Marsh, and the family of the young man Marsh, including the boy who was there at the academy, — these twelve people were going back and forth there frequently, and that is all you remember about it? You can't select or identify any particular person who went at any particular time, — isn't that the condition of your recollection? A. I have no dates and kept no dates, no means of fixing the particular time that any individual went backward and forward. I know my recollection was called to the fact.

Q. When? A. That it was so; that is, in regard to, — I know the trunks always went away light and came back heavy.

Q Don't know anything what was in them? A. I know that by experience with handling the trunks; but as to the time of their coming, that is, the particular day and date, I could not give it, because I kept no record of anything of the kind, wasn't supposed to.

Q. Now, you have told us all you know about it, haven't you? A. I don't know as I know —

Q. Don't think of anything more, do you? A. Well, I am only here to answer your questions according to the best of my knowledge and belief.

Q. You don't recollect anything more upon the subjects about which you have been interrogated, do you? A. Not particularly, that I know of.

Q. When were you summoned? A. Yesterday, sir.

Q. Got your subpœna with you? A. Yes, sir.

Q. Let me see it. [Subpœna produced.]

Q. What are you doing for the Metropolitan Railroad? A. Driving.

Q. On what line? A. On the Lenox Division; Mr. Crosby's.

Q. The Lenox Street Division. A. Yes, sir.

Q. Through Tremont Street? A. They run the West End and they run the White Line to the depots, and the Dartmouth Street Ferry and the Dartmouth Street Depot, and the Back Bay and the Huntington Avenue.

Q. You kept no books as a hackman in any way? A. I kept no dates of the charge; I was just in the habit, with some of them, you know, of keeping the number of rides. Some I used to charge full amount and some not so much. I kept the account of the number of rides, but no date of the ride, and, when I thought the bill had run large enough, I would go around to them and have them settle it.

Q. (By Gov. Butler.) A single word; did the children use to ride as much as the grown people? A. Well, Mrs. Davis had one daughter that used to ride around town; she was sickly; about every day, ride around town.

Q. I don't ask that, — ride backwards and forwards from Tewksbury; did the children ride backwards and forwards from Tewksbury as much as the older people? A. I think Mrs. Marsh went the most, the old lady. Mrs. Davis moved away from there some few years ago, after her daughter got married.

Q. That is why I called your attention to the marriage of the daughter; and then Mrs. Atwood — A. Then Mrs. Atwood took the house.

Q. Whoever went, when they did go did they take these trunks backwards and forwards? A. It was the grown people.

Q. What? A. It was the grown people that took the trunks.

Q. Whenever the grown people went they took the trunks? A. Yes, sir.

Q. And, when you said they were going backwards and forwards pretty much all the time, you meant the grown people, did you? A. Yes, sir.

Q. He put in the children. A. Occasionally, once in a while some of the children would go up and stay a few days.

Gov. Butler. You had better, now, Mr. Brown, finish your examination of Mr. Fairbanks, if you will, and then I have some other matters on the books.

Mr. Brown. I will waive my cross-examination of Mr. Fairbanks and you may proceed.

LORENZO S. FAIRBANKS (*recalled*).

Direct examination by Gov. Butler.

Q. Now, Mr. Fairbanks, I want to ask you if you have made any comparison or examination of the provisions' account? A. I have.

Q. Look at your memorandum of it; I want a comparison of it and the amounts of it. A. In what respect?

Q. In respect to the amounts and the averages. In the first place, what did you take this from? A. I went through the book of bills in the first instance.

Q. Well, by the book of bills you mean the invoice-book? A. The invoice-book.

Q. Called here the invoice-book. A. Called the invoice-book. I have looked over that with reference to the quantity of meats and flour and fish purchased, also with reference to the number of barrels of flour purchased. In my examination of that account, — in that examination, I did not exactly agree with Mr. Marsh, and I dropped it before I had finished it, in order to attend to something else; and, finding that as far as I had gone it seemed to correspond with his own statement that he made in the report, I made what I have here from his report and such information as I have.

Q. Well, now, sir, did you take, — sometimes there would be a carrying over; perhaps they would buy a lot of flour just before the end of the year, and that would go into the next year, — did you take the account for two years, so as to get the average? A. I did. In 1882, that is, the year ending Sept. 30, 1882, there had been purchased 1,696 barrels of flour, according to Mr. Marsh's statement. That is, in all these matters, I suppose, where Mr. Brown thought I might have asked some question, as stated, I didn't wish to ask any questions; at least, didn't desire to inquire with regard to it. I am not aware whether that flour includes rye meal and oat meal, etc.; but I take his statement as it is, and presume it means what it states.

Q. Flour. A. 1,696 barrels of flour purchased in the year 1882, the year ending with September, ending October 1. And, in 1881, the same current year, I mean the year ending the same time —

Q. The same business year. A. The same business year;

I don't know what he calls it, fiscal year or business year, — the reports end September 30 in every year.

Q. That is by law, Mr. Fairbanks; I know why. A. In 1881 there were 1,493 barrels purchased. It was stated, somewhere, that some of this flour for 1882 went over to the next year, and for that reason I went back and took an average. I added the two years' purchases together, and then I added the weekly averages of the inmates, of the number of inmates as stated by Mr. Marsh himself, without knowing how that average is made —

Q. Assuming the average to be correct. A. Assuming that average to be correct. In the statement he says that the weekly average, that is, the weekly average number of inmates, is 895; and in the year 1881, which I haven't here, I think it was 919, — adding these two together and dividing by two, I find that the average number for the two years would be 907. Then, adding the number of barrels, getting the whole number of barrels of flour for the two years, and dividing by 907, the average consumption by each individual, man, woman and child, sick and well, is $1\frac{3}{4}$ barrel for each person.

Q. Per year. A. Taking 1,696 barrels, the amount purchased in 1882, and dividing by the weekly average for that year, I get $1\frac{7}{8}$ barrels for each person. Taking the meat account — .

Q. Before you go to that, — the weekly average includes all the inmates, sick and well, little and big, I suppose? A. Yes, sir.

Q. And, now, will you tell, so as to bring this matter together, will you tell the committee, from your own knowledge, — you are a housekeeper, I suppose? A. Yes, sir.

Q. And you know other housekeepers, — have you ever observed to know about what it takes in a common family per year of flour?

Mr. Brown. Wait a moment. I don't think Mr. Fairbanks' family have ever been paupers. I take it that these people —

Gov. Butler. No, he has not been a pauper, I agree.

Mr. Brown. These people coming and having to be filled up two or three times a day, eat a little more than the average man's family. If you claim he is an expert on this subject, I will waive the objection.

Gov. Butler. What?

Mr. Brown. If you claim he is an expert on this business, I will waive the objection.

Gov. Butler. All I claim is that I asked him, not only to take his own experience, but to examine into it, and ask other people, and inquire into the matter for me.

Mr. Brown. That is mere hearsay; I don't think that amounts anything.

Gov. Butler. I don't ask what they said, but only ask the result.

Mr. Brown. The result is the result of hearsay.

Gov. Butler. That is all we know in this world that we learn, except from our observation. The committee can correct him, if he is wrong, by their own.

Mr. Brown. Well, go on; I don't care. Before you answer that question, I want you to tell me — I could not hear — what that first average was?

Gov. Butler. $1\frac{3}{4}$ and $1\frac{7}{8}$.

Mr. Brown. Thank you,—$1\frac{3}{4}$ and $1\frac{7}{8}$.

Q. What, sir, so far as your observation and experience and inquiry goes, — for you have made some inquiry, haven't you? A. I have made inquiries recently, and formerly discussed the same matter with other parties before this matter came up. Before I had any occasion to make any such inquiry, the question came up and was discussed, and I talked with different individuals. And, from the information that I have, and my own experience, I think that one barrel of flour per year for each person in an ordinary New England family; and, when I say ordinary, I mean a family which uses all the flour that it wants, —all that any of us as gentlemen living as well as we can under the circumstances,—I should say that one barrel of flour would be sufficient for each person in a family, — say a family of four, for instance, — where there is a gentleman and his wife and two children, which is the case in my own family, with a good many visitors at that. Reckoning in these, and using flour liberally, —and, of course, I say that that is in connection with an equally liberal use of other provisions; but, if there were not a reasonable use of other provisions, vegetables and rice and oat-meal and rye-meal and corn-meal, then, perhaps, we might vary that estimate.

Q. Now, how do you find the matter in Tewksbury? Did they have oat-meal and rye-meal and corn-meal? A. I did not find during these years any; at least, I cannot say now I did;

I am not certain about it, any specific entry of corn-meal. There were purchases of corn.

Q. I will look it up while you are going on. Now, look at your next one, sir. A. Shall I take the meat?

Q. Now, take the meat, please? A. The meat account, as stated by Mr. Marsh, — the purchases were 78,128½ pounds of fresh beef; 7,242 pounds produced,—stated in the report that is produced, — and, finding no evidence of any sale of that, I presume it was used there,—that I infer; I don't know whether it is so or not; making 85,360½ pounds of fresh beef. That divided by 895, the stated weekly average, gives 95 pounds per individual. 43,000 pounds of salt beef, divided in the same way, gives 62 pounds per individual. 24,835 pounds of pork produced, less 8,851 pounds sold, equals 15,984 pounds, which, I assume, was used,—I don't know whether I am right about it or not,—gives 18 pounds per individual. 55,445 pounds of fish, divided by 895, equals 62 pounds per individual. The sum of these is 237 pounds,—that is, 237 pounds of meat and fish to each individual. That divided by 365, the number of days in a year, gives .64 of a pound per individual per day, — nearly two-thirds of a pound; 66⅔ would make two-thirds exactly. This .64.

Q. (By Mr. Brown.) Is this simply fresh meat, or all? A. The sum of all,—fresh meat, salt meat, and fish; includes the whole.

Q. Give me these figures again, Mr. Fairbanks? A. All of them?

Q. No; just the result. A. 237 pounds per individual.

Q. And what was the fraction per day? A. No fraction of a day.

Q. I mean the fraction of a pound per day? A. .64.

Q. (By Gov. Butler.) Go on, sir. A. Besides the above there was purchased $1,284.83 worth of meat and provisions.

Q. Have you examined that to see what those meats and provisions were? A. Not in detail; but I think, from the way it was put, that it meant —

Q. You examined some of the bills in detail? A. Some of them. I think that was taken from the bills of one firm of which there were purchases made, sometimes of fish and sometimes of oysters, and other meats that were not included in these large purchases.

Q. Chickens, etc.? I read one of the bills, didn't I, here?

A. Yes, sir; I take it it means that, because there is no specification of poultry in the report, or of oysters or lobsters, or anything of that kind,—$1,284.83, — I believe that is his own statement.

Q. Yes, sir; this is his own statement. This agrees with the auditor's report. Now, sir, in addition to that, have you got the milk there? A. I have the milk. Milk account: Purchased, according to his own statement,—I verified that, and made it ten quarts less, it came out so near I took his report,— purchased 39,862 quarts; produced, which he don't give every year in that particular account, 94,176 quarts, making 134,068 quarts, divided by 895, gives 149¾ quarts to each individual, equal to 3¼ gills per day for each inmate.

Q. Three and a quarter gills for each inmate. Now, then, in addition to that did you get the butter account? A. I didn't take the butter account; that is all I have.

Q. If you will read from the auditor's report, I think it is about the 169th page, — in addition to that there was butter purchased. A. I wish to say I have not given the exact fractions here where I have divided; I have simply given the whole number and put plus on to my figures, — plus or minus as the case may be.

Gov. Butler. In addition to that there was 212 24-62 bushels of beans, $673; 20,177 pounds of butter bought, $3,-764.11; there were $715 worth of groceries, 89 54-60 bushels of peas —

Mr. Brown. Let us see; are you testifying now?

Gov. Butler. No, sir; I am reading from a public document.

Mr. Brown. Won't you refer us to what you are reading from so we will know what you are about.

Gov. Butler. I know that you are very impudent. Now, sir, I handed you in all fairness and kindness the auditor's report and I am reading from the report of the Tewksbury almshouse.

Mr. Brown. I don't find any such figures as you are reading.

Gov. Butler. Then there is a mistake.

Mr. Brown. I took the very page you handed me, sir; that is why I wanted to call your attention to it.

Gov. Butler. I handed you, I supposed, the report of 1882; if the report don't agree it is not my fault, I am not the book-

keeper. Statement of cash disbursements; now, won't you see what the cash disbursements are there; if they don't agree it is not my fault.

Mr. Brown. Yes, sir; under the head what you referred me to, "miscellaneous expenses?"

Gov. Butler. No, sir; I referred you to the page that had these expenses on it, and it begins with the appraisal of property. Then it gives the item of beans.

Mr. Brown. I beg your pardon; you turned to the 160th and 161st pages and I have looked at both of them. If I am in error I am very happy to apologize, sir.

Gov. Butler. Yes, sir; now, sir, if you will take that which I read you will find the amounts; while the amounts are not carried out in detail, you will find the cash balances exactly the same.

Mr. Brown. Well, now, let us try it.

Gov. Butler. I should have thought you would have studied your case better than that before this time.

Mr. Brown. I am studying your case, now.

Gov. Butler. This is the case of your clients. Now, don't interrupt me again.

Mr. Brown. Not unless you make a mistake.

Gov. Butler. I make none. Peas I had given you, 89 54-60 bushels.

Mr. Brown. Nothing of that kind here.

Gov. Butler. Rice, 9,843 pounds, $675.

Mr. Brown. $830.03 here.

Gov. Butler. I can't help that; I can't help that.

Mr. Brown. These reports, I think, are made up on a different basis, one being made for the year commencing the first of January, and ending the thirty-first of December, and the other the other way.

Gov. Butler. A year is as long in one case as the other, I think.

Mr. Brown. Yes, but the accounts may not be the same in each month. You are reading for one year and you give me a book which calls for another.

Gov. Butler. I give you opportunity to verify it as far as you would.

Mr. Brown. They don't agree any way.

Gov. Butler. All this is simply nonsense.

Mr. Brown. I would stop it then.

Gov. Butler. I wish you would. I am reading to the committee the report for the year ending 1881.

The Chairman. Read, Governor.

Gov. Butler. I will try to if you will stop that man, keep him quiet.

The Chairman. We will stop him and let you read, and then he may read.

Gov. Butler. I have stood about as much impudence as I shall from him. 1882, September 30, — there is no mistake now, I take it, — sugar, 29,599 pounds, $2,538; tea, 5739 pounds, $1,358; and I want to call the attention of the committee, it don't belong in that place, to tobacco, 1,277 pounds, $552, because it will come up directly.

Mr. Brown. Now, Governor, will you allow me a suggestion?

Gov. Butler. Yes, sir.

Mr. Brown. Apparently the book which you handed me commences in this way: "Commonwealth of Massachusetts, auditor's department, Boston, January 15, 1883. To the Hon. Senate and House of Representatives. I submit the annual report of this department for the year ending December 31, 1882," — which is a different year from that; that is why they don't agree.

Gov. Butler. To that I answer that I have stated here over and over again that this report is made up to 1881, '82, for the year ending October first, and upon that was the account of the expert made up, and I supplement it with these things; and I handed my brother the auditor's report to see if I quoted the items rightly and how far they would agree with an account made up for the whole year. And, thereupon, I have been treated to a quantity of impudence and impertinence unparalleled, so far as I know. It is a mere matter of good nature I handed it to him.

Mr. Brown. Mr. Chairman, I thank the Governor for his compliment.

The Chairman. Proceed with the reading, Governor.

Gov. Butler. It is a compliment to say that much of you.

Mr. Brown. Thank you.

Q. (By Gov. Butler.) Now, sir, did you make any estimate upon this? A. No, sir; no other estimates.

Q. Now, sir, if you please to tell me a word or two further on some other matters. There has been something said in

cross-examination upon your book-keeping, as I introduced you at first as only an expert in handwriting; I had not qualified you further when I yielded for a time to save time that you might be cross-examined. In the first place, how long have you been accustomed to examining book-keeping and examining books? A. I have been accustomed —

Mr. Brown. I don't make any question about that, Governor, that he is competent as an expert book-keeper.

Gov. Butler. Then, if you don't, you have wasted a half an hour of this committee's time by asking this man how he would keep books by double entry. What was that for the other night? what was that performance for?

Mr. Brown. Before I asked him those questions I had a doubt about it: but when I got through with him I had satisfied myself, and I think I had satisfied everybody else in regard to exactly the condition of his mind on the subject of book-keeping.

Gov. Butler. You think that shew him a highly accomplished gentleman in that regard?

The Chairman. You may proceed, Governor, if you wish to ask him any questions.

Gov. Butler. I do, now, because there goes another fling.

Q. How long, sir, have you been accustomed? A. I have been accustomed to examine and adjust accounts at different times since 1860, to a large extent; before that time I had had experience in counting-rooms, commencing with my boyhood.

Q. Whether you had published a work on book-keeping, sir? A. In 1860, I took charge of a commercial school in Philadelphia, and remained there teaching book-keeping in that school, and in one of my own which I established for eight years. During that time I taught book-keeping to more than 2,500 students. In 1866, I published a work, an octavo volume of 448 pages on the subject of book-keeping, including all the higher branches of the subject. During that time I was occasionally employed to examine accounts, but did not do much in that line then, because I had too much else to do. Since that time I have very frequently been called upon, since I have been in Boston, to examine accounts, and have, in very many cases spent a good deal of time in such matters. It is not my profession. I only take cases of importance, cases where I can be liberally paid for my services, and I don't engage in the business of adjusting complicated accounts for any

small sum of money; and most of these cases where I have been employed have been cases where the government has employed me to investigate defalcations.

Q. Did you investigate the books in the Fall River case?

A. I did; in the Chace and Hathaway cases in Fall River, employed by Mr. Marston, then district attorney, since attorney-general.

Q. Did you examine the accounts, recently, here in the Follansbee case? A. I did.

Q. Chace was one of the men, was he, in Fall River? A. Chace and Hathaway.

Q. Did you investigate the accounts in any other cases? A. In the case of Charles Demond, the treasurer of the Home Missionary Society; in the case of Washburn, who was charged with embezzlement from H. E. Burroughs in Faneuil Hall Market; I examined the accounts, spent considerable time on them, of Fox Bros., grocers in this city two years ago, employed by Hyde & Dickinson in the settlement of a disputed partnership; and I examined the accounts in the consignment and shipping business some years ago for Mr. —

Q. That will do, sir; now, I want to ask you a word about book-keeping in single and double entry. What is the difference in book-keeping by the system of single and double entry?

A. The difference between single and double entry is that in double entry every transaction entered in the original book requires to be posted to two or more accounts, so that there is a debit and a credit in every transaction, one balancing the other; so that the ledger in double entry is constantly being balanced. Another difference is that in double entry we introduce property accounts into the ledger, and accounts of what are sometimes called, — and which I say is entirely wrong, — fictitious accounts; that is, such accounts as profit and loss, and surplus account, and suspense account and things of that sort, they all come into double entry book-keeping. Single entry book-keeping consists simply in keeping accounts in the ledger with persons and not with property.

Q. With the individuals. A. There are various degrees between pure, simple, single entry book-keeping, and the simplest form of double entry. Sometimes one almost becomes, — approaches very closely to the other; and in double entry book-keeping we sometimes keep auxiliary books which are not kept upon any double-entry system. And, so the styles of book-

keeping vary according to the kind of business they are required for.

Q. In short, all the benefit of double entry in book-keeping, is the number of checks against error that the system gives? A. Yes, sir; and the facilities that it affords of ascertaining the true condition of a man's affairs at any given time.

Q. That is, by double entry, if properly kept, a man should be able to tell how his affairs were every night? A. Yes, sir.

Q. If necessary. A. I should like here to explain, if I may. When Mr. Brown asked me the other evening how many ways there were of keeping books by double entry, I haven't seen my answer, but I think there is considerable confusion there, for the reason I did'nt understand what he was driving at: I didn't understand what kind of an answer he wanted, whether he meant systems, or ways, or methods, or styles of double entry book-keeping. And, if I now recollect the question correctly, how many ways there are of keeping double entry book-keeping, — if I answered the question directly, I should say, there are as many ways as there are specific objects to be obtained in keeping them, of as many ways, almost, as there are kinds of business. For instance, there is no comparison between the books of a railroad and the books of a grocer, and the books of a bank are not kept in the same way that the books of an insurance office are; the books of a cotton mill would not be kept in the same way that the books of any small manufacturer would be kept, and different books have to be introduced according to the nature of the business. But the general system, — how many ways there are, — how many systems, — I don't speak of but two systems, one being double entry and the other being single entry. These are two systems, not two ways, of keeping books. The methods may be varied infinitely. That is what I meant by any answer I may have given. I don't know how the answers were.

Q. Now, sir, I want to ask you right here, — you said in answer to Mr. Brown that you could not tell from those books, looking at them yourself, and from them only, whether the Commonwealth had lost any money except $17 which you found in the books deducted from what an inmate left. Now, sir, in the way these books are kept, and in the condition you found them, can you tell whether or not the Commonwealth has lost thousands of dollars? A. I could not.

Q. Can anybody, with unbalanced books and unposted

books, with a journal not posted up for years, tell whether it is correct within thousands of dollars? A. Even if they were posted I don't think the books would show definitely the negative, that is, that there had been no losses. Because some of the cases that I have seen in my own experience, I have seen books very regularly kept, wonderfully so, when half the funds of the concern have been abstracted.

Q. I was going to ask you that question, — and you had better confine yourself to my questions. Now, sir, take it in the case of these defaulters, — take the case, if you please, of Follansbee, whose books you examined; were those books all right, and could anything be told from the books? A. In the case of Mr. Follansbee, there was not an error of a single cent in his books. They were very nicely kept, uniform in style, and written with apparent care, neatly kept and no errors whatever.

Q. And yet, how much of the funds were gone? A. And yet he had abstracted half the funds of the association, about $30,000 — $29,000.

Q. Now take the case of Chace, the defaulter, and how were his books? A. In the case of Chace, during three years he had put out a million and a half of notes, fraudulent notes, had a bookkeeper and directed him what to do. And at the time he was arrested, or made his confession and was arrested, he had out $550,000 of these fraudulent notes, and not a single one of them had ever been entered on his regular books.

Q. And were those books well kept, too? A. They were well kept.

Q. And from examination appeared all regular? A. Appeared all regular.

Q. It was only by getting at outside facts that you could tell they were wrong. And whether that is not generally the case in defalcations? A. That is generally so; I could not say always.

Q. So that asking whether a set of books, taking them alone, show any loss, in case of a defalcation, don't mean anything, does it? A. I should say not.

Q. Now is this inmates' cash-book kept by double entry? A. This cash-book is not in the formal style of double entry. It is connected with a double-entry system of books, but is the same, substantially, as any single entry cash-book.

Q. Now take this cash-book; is this cash-book kept at all as a cash-book should be kept? A. It don't purport to be a

cash-book; it purports to be a memorandum-book. You can call it a cash-book, but it is not formally a cash-book; it is more a memorandum-book.

Q. Is that book, — call it memorandum-book or cash-book — is that book in which all the little property at the inmates is kept, kept in any form as it should have been? A. It is not kept in good form, certainly.

Q. Well, is there any way that you can tell what has been paid or what has not been paid, without extra outside aid? A. No, sir.

Q. That is to say, if Marsh had died, if Charles Marsh had died on the first of April last, there would have been no way, from that book, to find out what had been paid or what hadn't been paid, what had been received or what had not been received from the inmates? A. Nothing except the date and "paid" where it is crossed out; leaving a person to guess at a good deal of the rest. It would not be very definite.

Gov. Butler. I am only speaking of it as a book.

Q. Now, I will go to the cash-book. Is the principal cash-book of that institution kept in the form of double entry? A. No, sir; that is, the one I mean is not kept in the formal style of double-entry book-keeping, — the mere giving of names against which cash items are to be posted. It is simply a memorandum-book; as, by cash paid Hannah Connor; and received from so and so. For instance; cash received from the estate of Ellen Rafferty. If I were called to post that book as a double-entry book I could not do it without inquiry, because I don't know what the account he means in the regular form of a double-entry cash-book in regular form would be. In all these cases he journalizes his cash himself, and knows what accounts he is going to place it to.

Q. Now, by examining these books all through is it possible for you to tell within many thousands of dollars just what it has cost the Commonwealth to support that institution for ten years? A. It is not.

Q. Can you tell from any specific account there how much has been expended for food even? A. No, sir; there are no specific accounts which would give me that information on the ledger.

Q. Or medicine? A. Or medicine.

Q. Or repairs? A. Nothing of that kind.

Q. Or additions to buildings? A. Nothing.

Q. Or any of the departments of the institution? A. No account of departments, any department.

Q. Do you find any other property sold? Say they had sixteen hundred barrels of flour they must have had sixteen hundred flour barrels, and they are worth twenty-five cents a piece, and sometimes double that price, — is there any account of their being sold? A. Yes, sir.

Q. Any account of any such property being sold? A. There are accounts of the sales of barrels.

Q. How many? A. I could not say.

Gov. Butler. I wish you would look the matter up.

The Witness. I am rather inclined to think Mr. Records has it.

Q. Is there any other subject that you have, sir, on your memorandum? A. With reference to the book?

Q. Yes, sir; or to the accounts. A. Nothing unless I show these accounts that have been referred to as the Commonwealth accounts.

Q. I wish you would show the Commonwealth's account, and show what there is to be found in it? A. In explanation of my statement that I could not judge from the Commonwealth account, — the accout in the ledger headed "Commonwealth of Massachusetts," — that I could not tell from that account how much had been expended by the Commonwealth for any period of time, I will state the condition of the account as it stands now. It stands now with a balance brought down on the debtor side of $17,149.69. That appears to be in 1881. I presume it is. In the manner in which the accounts have been kept this would indicate to me that that is a balance of an unexpended appropriation, and is not, I am free to say, wrong in itself. But the way in which the accounts have been kept is the Commonwealth has first been charged for the entire amount of an appropriation after an appropriation has been made by the legislature. Then it has been credited when the warrants have been received. All right enough in itself, except upon inquiry I find that the auditor don't keep his accounts in any corresponding way. That is, he does not credit the Tewksbury almshouse when an appropriation has been made. And for that reason it seems to me a little inappropriate, although it is not wrong in itself, to charge the State for the amount of the appropriation. It would be a great deal better, in my judgment, to show the State as a continual creditor. That

is, the State never gets back anything excepting these small amounts, and if it were shown as a continual creditor then by turning to the ledger I could ascertain how much money had been expended in a certain number of years. I can find out, as it is, but it would require more labor than members of the committee, or an auditor examining the books should be expected to perform to find it. I think the books should show it, so that when an auditor looks over the books he can judge of the condition of an account. Then there are other accounts which are, perhaps, subject to a similar objection. And three of these accounts are the egg account, the milk account, and the meat account, which he charges and goes to the account of almshouse products. Now these accounts stand as continual debtors. That is, the amount appears on the debtor's side all the time. Consequently, if I, as auditor, or anybody else, examine those books and make the inquiry what does this account mean, the answer would be, it means that the account has been charged for so much. Well, what have you done with it? Well, we have no account of that. And the ledger gives no account of it. And that is true of all these accounts. And there are wanting accounts which would give a definite statement of the condition of the affairs of the almshouse in regard to these particulars, and especially in regard to the disposition of the products of the farm, as there is no account of these matters in the ledger. I wish to be understood in regard to that matter, for I think I have been misunderstood; I don't mean to say there was not some memoranda on the ledger, but there is no account kept of these products, except as I have named. There is no account to show what has been done with it, how they have been expended, if they have been expended and used on the farm. And the expense of the farm has been charged into the general expense account, and taken from the appropriation for current expenses in connection with all these other expenses, so that there is no means, if I were asked the question, how much has this farm cost; how much has it produced; has it been run at a loss or not? I could not from anything in these books give any information whatever. These are my criticisms on the style of bookkeeping, and they are not made with any intention to impute error to Mr. Marsh in keeping them. It is simply not the best way to keep them.

Gov. Butler. I have put in this last matter, may it please

the committee, for the very purpose that the committee may recommend a different system of book-keeping by which these things could be made up; whether the result is correct in fact or not, it is not the way to get at correct results.

Cross-examination by Mr. Brown.

Q. Mr. Fairbanks, do you think yourself the most competent expert book-keeper there is a going? A. Well, that would be claiming a good deal. I don't claim it.

Q. I want to know how expert you consider yourself? A. I am not so vain as to assume that I am superior to everybody else.

Q. Now you say that upon examination of these books you cannot tell whether the Commonwealth has suffered a loss, or whether she may not have suffered a loss of thousands of dollars. I suppose you do not wish the committee to understand that somebody, who knows book-keeping better than you do, with more ability, might not come to that conclusion from these books, do you? A. Do you mean to ask me whether I suppose some other person could find out by these books that the State had not lost anything.

Q. Yes, sir: or, that it had. A. No, sir, I don't think I can answer that question.

Mr. Brown. No, sir; I thought you didn't.

The Witness. Excuse me; I wish to answer that question, but not in that form, however. Will you oblige me by putting that question again?

Mr. Brown. I want to know whether you consider yourself so competent that there is nobody else more competent who could not settle that question.

The Witness. No, I do not mean that question. I mean the other one.

Gov. Butler. Let the stenographer read the question.

[The stenographer read the question above, commencing, — "Now you say that upon examination of these books you cannot tell whether the State has suffered a loss or whether she may not have suffered a loss of thousands of dollars.]

The Witness. My opinion is that nobody can determine.

Q. (By Mr. Brown.) That is, that there is not anybody of sufficient ability to determine, from these books and the written records which are in existence, as to whether the Commonwealth has or has not lost money? A. Unless the person

examining the books assumes that these are the correct records of every transaction which has been carried on.

Q. Now you are limiting that to the books. You have examined all the vouchers in the auditor's office? A. No, sir.

Q. A good many of them, — all that you wanted to, haven't you? You have had access to them all? A. I have examined very few.

Q. You have had access to all the vouchers in the auditor's office which you desired to examine, haven't you? A. Yes, sir.

Q. Now, I put the question over again. Taking the books which have been kept by Mr. Marsh at the institution at Tewksbury, which have been produced here, and what you have been able to find in the auditor's office, will you say whether or not it is possible, in your judgment, for anybody to ascertain whether the Commonwealth has or has not lost money at that institution? A. In connection with the vouchers in the auditor's office I found everything correct, and have not any doubt that the entries made in these books correspond with them. Assuming that these bills are correct, they were properly accounted for on the cash-book and could hardly be otherwise in the way the business was transacted; for the reason that when these bills had been approved by the trustees of the Tewksbury almshouse for the month they were put in a package, accompanied by a schedule, and sent to the auditor; and the schedule showed precisely how much money was wanted to pay those bills. He then received his money from the treasurer for just the amount; and he was substantially the agent for carrying that money and paying it over to the persons to whom this money was due. Any school-boy could make the entries of those transactions in the proper manner; and there is no chance of any error, excepting errors in footing, so far as the bills themselves give us any information. I could not go back of the bills and find out whether the bills were correct or not; but the itemized entries correspond, so far as I have examined, in every case, with the vouchers; and I have no doubt they do correspond.

Q. Now I want to ask you this question. What is a fair salary for a competent book-keeper who can keep a set of books by double entry, with all these property accounts, expense account, suspense account, repairs account, and everything of that kind such as you say should be kept, in your judgment, in connection with

the Tewksbury almshouse. Supposing it takes him a good portion or a good deal of his time to keep the register of all that are sent in, what is a fair salary? A. That is a very difficult question to answer, for the reason that there is no established value to a man's services as book-keeper. Book-keepers are employed who are good book-keepers at very low rates in some instances. In some cases ordinary book-keepers are paid very large salaries. I cannot say what is the average salary for a book-keeper competent to do that.

Q. I will ask you this question, Mr. Fairbanks. If you were charged with the duty, as superintendent of this institution, to start a new set of books by double entry, as you have explained, and desired to get a competent man, what would you expect to be obliged to pay for such a man? A. Well, I don't know as I am competent to answer that question. It would come to this: that if I advertised for a book-keeper, for a good competent book-keeper for the Tewksbury almshouse, asking each one to state the salary expected, according to the ordinary advertisement, I presume I should get a good many applications. Are you talking about making a bargain?

Q. I want to know what you would expect to have to pay a good man to go there and do the work, so that the books would be kept according to your idea as to the manner in which those books should be kept. Give me your best judgment and don't dally about it? A. What I could probably hire a man for?

Q. No; what you would expect to be fair and reasonable for a man to go there and do that work? A. Well, I should feel pretty certain, I think I would be certain, that I could hire a bookkeeper to go there for $1,000 a year, including, of course, his living.

Q. Including his living? A. Including his living.

Q. You would not expect to get him for $1,000, unless you boarded him, would you? A. I think I could.

Q. But you would not hardly expect to? A. I should feel a little more liberal toward a book-keeper than to want him to work for nothing, as a great many do. I think people hire good book-keepers for ten dollars a week.

Gov. Butler. He thinks a good book-keeper can be hired in this place for ten dollars a week.

Q. When you were testifying yesterday, in regard to these books, and at the same time the Governor had the annual report of the State almshouse, and you were asked if you found any

account of hay, onions, cabbages or potatoes or anything of that kind in the way of farm produce, you said you didn't, didn't you? A. I referred to the ledger and said I didn't find any there.

Q. Have you been able to find in that ledger any account whatever of hay, onions, potatoes, cabbages, carrots or anything produced on the farm, except as you have stated? A. I have not seen any such account.

Q. Well, you haven't been able to find it? A. I have not looked for that specifically.

Q. Why didn't you look before testifying? A. Because, as I stated in the first place, I didn't examine these books in detail. I don't think now there are any such accounts there.

Q. Did you not testify yesterday, or night before last, that there was no account on those books which shows the amount of products of the farm used at the institution? Did you not so testify? A. I did state that, and I don't think now that there are; there may be.

Q. Now, sir, why did you so testify unless you had made search for the account of farm products? A. Because I had gone very carefully through the journals and I had seen no such things; and besides, I may as well say that it was not my business to look at these things in particular because there was another gentleman doing it.

Q. In other words, you didn't consider it your business to find out whether there was any account of farm products, but you did consider it your business to testify that there was no account except for milk, eggs, and a few things of that kind, is that it? A. I testified so from my examination, so far as I had gone. I think so now. I don't think there is any such account there. If you will refer me to one and there is one, I will own right up, or if you will say that there is one. I don't think there is any such account.

[Recess for five minutes.]

Q. Mr. Fairbanks, I want to ask you simply one question as to one other subject, and that is this: In your judgment, as an expert book-keeper, is that journal and that ledger necessary to the accuracy of the accounts of that institution? A. The journal and the ledger are both books which are made from other books, and if all the other books were present I could

make them, or any other book-keeper could make them, from those other books, if I knew what those other books meant.

Q. And with your intelligence you could run that institution twenty years, could you not, without a journal or a ledger. With what you know about the accounts of the institution, and the method of doing business by the trustees and the auditor, you could run that institution for twenty years without a journal or a ledger with absolute accuracy? A. Yes, sir.

Q. You could? A. Yes, sir.

Q. No doubt about it. You said only a minute ago that any school-boy could conduct the business of the Tewksbury almshouse, so far as paying the monthly bills and the pay-roll was concerned. Do I so understand? A. I don't think I said so.

Q. No; but was that the substance of it? A. No; not conduct the business of it, I did not say so. I was not talking about the business.

Q. Well, will you again say? We will agree, I guess, upon this subject. Taking into account that the Tewksbury almshouse has no money to spend except what it draws from the State treasury; taking into account that the superintendent goes into the market and makes his purchases, gets his bills, which must be scheduled with his pay-roll, approved by the trustees and sworn to by him, presented to the auditor for his examination, and a warrant drawn by the auditor on the treasurer and signed by the governor; and that he takes simply the amount of money shown on the schedule to pay the bills, and he returns those bills receipted to the auditor's office, do you see that there is any necessity for either a journal or a ledger? A. No, sir. I could carry on the whole business, so far as these entries are concerned; I could keep the books, the financial part of the books, simply the money received and paid, with nothing but a cash-book.

Q. Nothing but a cash-book? A. Nothing but a cash-book.

Q. Well, now when you testified that you didn't find certain entries on that ledger, or certain accounts on that ledger; that you didn't find that journal to have been posted for a long time, you didn't mean to say that the neglect of this officer to do that has prejudiced the State, did you; or that there has been any money lost? A. No, sir.

Mr. Brown. That is all.

Re-direct examination by Gov. Butler.

Q. But then you would not want much of a book-keeper if you had simply to keep a cash account of how much you had received from the State and how much you had paid out? A. No, sir.

Q. A school-boy, if he was intelligent, could do that. But in an institution which was selling products, purchasing products, constructing buildings, controlling the money of others received from them, and for which it was necessary to account, wouldn't you understand that a journal, a ledger, and a cash-book, either by single or double entry, was absolutely necessary? A. I should say so; I do say so.

Q. But the mere matter of $93,000, for instance, being appropriated, and then sending in a lot of bills, having to make out a list of them, and sending them in and saying, "I want so much money," and getting it and then going and paying those bills, and doing that twelve times a year — that would not want any books? A. No, sir; that is a very simple matter.

Q. And that is all there is in the auditor's office, is it not? A. That is all there is in the auditor's office.

Q. All there is in the book-keeping that is intelligible. A. Nothing in the auditor's office except the packages containing the pay-roll and the bills which have been paid.

Q. Now, then, since we went into this examination and after it was sworn that there were no more books except this one in the drawer, these books [referring to certain books] have been produced. Tell us what these are. A. These books are labelled "monthly schedules," three of them. One of them has no label; I don't know what it is. It seems to be some account of different things — fruit, vegetables, etc.

Q. Well, that goes away back? A. That is a very old book.

Q. A very old book. Dated 1865. It was kept a little while, and contains a hay account, seeds account, starch account, and was a book more or less accurate. A. That is an old book.

Q. Now what is that book? Take the first one. A. I will take the first one which is pasted up. This book begins October 1, 1863, schedule of shoe department of the State almshouse at this date. That is in 1863. Now it goes on.

Gov. BUTLER. You may cut the other pastings if you haven't cut them.

The WITNESS. It seems to run on for two or three pages a sort of single-entry day-book of that business up to the ninth, which is headed, "Appraisal of property."

Mr. LEARNARD. What is the date of that?

Gov. BUTLER. 1863.

Mr. LEARNARD. That last entry.

The WITNESS. Appraisal of property, March 30, 1877. It don't seem to be an appraisal of property or anything else; nothing but figures.

Gov. BUTLER. All there is in that book is 1877, March 30; $100, $100, $100, $100; 1878, $100 scratched out; November 30, $103 and $103.25; October 30, $100; October 31, 1880, $100. But I want to call the attention of the gentlemen of the committee to the fact that this book comes to us with entries in it October 1, 1863; so that this book, being before Charles Marsh got out of college, or had anything to do with the book-keeping, could not have been his private property.

Mr. BROWN. He didn't say that it was.

Gov. BUTLER. He said those books were.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. One of them.

Mr. BROWN. One of them; and it was not that one.

Gov. BUTLER. He said he had produced every book except one, and that was his private property.

The CHAIRMAN. The record will show.

Gov. BUTLER. Yes, sir, the record will show. And then we find this one which was not, this one which was pasted up.

Q. (By Gov. BUTLER.) Then what is the next book? A. The next book commences with the heading, "Appraisal of Property, 1880."

Q. Well, what is in that? A. On that page, nothing but figures. October 31, 1881, $102; October 31, 1880, $100; October 31, 1882, $105. Nothing else.

Q. Well, that apparently is cash paid for appraisal of property. Now, what is the next? A. The next is headed "Beans, 1880"; "Beds and bedding"; "Beef, fresh"; "Beef, salt"; "Brooms"; "Burial services."

Q. What is the amount of burial services? A. Not footed. It is put in pencil mark here; $230, if that is the footing.

Q. For the year; all even dollars, $19, $17, etc? A. For the year.

Q. Now, what is next? A. "Butter" is next; "Carriages and wagons"; "Cement, lime and plaster"; "Chaplain, services of"; "Clothing"; "Coal"; "Coffee"; "Corn"; "Cotton cloth"; "Cotton-seed meal"; "Crockery, glassware," etc.; "Dry goods"; "Eggs"; "Expenses of trustees"; "Expressage"; "Fish, salt and fresh"; "Fertilizing compounds"; "Flour"; "Furniture"; "Gasoline"; "Groceries"; "Hardware" "Hay" "Hops" "Improvements"; "Live stock"; "Lumber"; "Meats and provisions"; "Medicines"; "Milk"; "Molasses"; "Oats"; "Oil"; "Paints, Oils and colors"; "Painting"; "Pasturage"; "Pease"; "Pepper"; "Pipe and fittings"; "Repairs"; "Rice"; "Salaries"; "Salt"; "Seeds"; "Shoe stock and tools": "Shorts"; "Smith work"; "Soap"; "Starch"; "Stationery, books," etc.; "Stone work"; "Stores"; "Straw"; "Sugar"; "Surgical instruments"; "Tea"; "Telegraphing"; "Telephone"; "Tinware"; "Temporary assistance"; "Tobacco"; "Tools, agricultural"; "Tools, mechanical"; "Transportation of freight"; "Transportation of passengers"; "Woodenware"; "Wood."

Q. Now, sir, assuming that those entries are correct, and they are made up from month to month and footed in pencil generally; if those entries were correct, would there have been any difficulty in examining the accounts of the institution upon these topics, as they cover the whole alphabet? A. If perfect accounts of all these things had been carried through all the books, we could have arrived at a very definite conclusion in regard to the condition of the affairs of the almshouse.

Q. And the next one is of the same sort for another year? A. The next one is of the same sort.

Mr. Learnard. What year was the one you referred to?

Gov. Butler. The last one is from October, 1880, to December 31, 1880. And the others we have not examined; we haven't had time since we got them.

Mr. Fairbanks. No, sir.

Q. Well, now, these books which have been used about the same time with those books, and apparently only used monthly, are considerably more worn, are they not, than those which have been used almost daily for some entries? A. Yes, sir;

some of these are very much more worn; but this one is not quite so much.

Q. (By Mr. BROWN.) There is one question I admitted and that is this: You stated the amount of flour per inmate and the amount of meat, fish, etc., and I want to know if you took the entire amount of provisions and divided them up in any way so that you could present it as the ration of each inmate per day; that is, the average ration. For instance, the amount of flour, meat, fish, eggs, milk, etc., every article of food, so that you got the per cent. to all rations. A. No, sir; I have no means.

GOV. BUTLER. No means of doing it.

Q. (By the CHAIRMAN.) Did you examine the books under particular instructions? A. No, sir; I had almost no instructions at all.

Q. Did you have written instructions? A. No written instructions.

Q. You say you didn't examine the books in detail? A. I didn't examine them in detail.

Q. Will you state to the committee how far you made a detailed examination of all the books? A. Well, when I was requested to examine them for certain purposes, another expert had been employed for some time, how long, I don't know, and I was requested to look them over generally, and give my opinion generally as to how the books were kept, without any further instructions than simply to examine them to see whether there was any evidence that these books had been copied or tampered with, or that there had been anything improper done, so far as the books were concerned. That was all the instructions I had to begin with. Then, as it went on from day to day, I was requested to look at certain things; and so I have continued. I have not made a minute examination of these books, and checked off the items to see if everything is right, as it appears on the books, but have merely made that general examination.

Q. Now, let me ask you if you find any marks of fraud about the books? A. I find no marks of fraud in these principal books.

Q. You find no marks of fraud in the principal books? A. In the principal books.

Q. Do you find marks of fraud in particular books? A. I find what I should call marks of fraud in the inmates' cash-book.

I mean, unexplained to me, I should regard them as evidence of fraud.

Q. Now, can you give the number of instances? A. I gave them in my testimony,—54, I think. Perhaps not the whole of that number ought to be included in that category.

Q. Would you say that on the face of these entries they would be considered marks of fraud? A. Yes, sir: if a man was keeping books for me, and he persistently and continually made erasures, and I found that he had reduced amounts, or added to them, and done that business in such a way as to excite my suspicion, and I found a great many of them, I should say that he had been committing a fraud upon me, although the man may be able to explain. I look at them as they are, and I have given my testimony simply upon the appearance of the books, without any further knowledge than is given to me by the books themselves.

Q. Now, does the committee understand—do I understand—that taking the State appropriation of say $90,000, that that money cannot be accounted for by these books? A. No; I don't mean to say that.

Q. But you mean, taking the whole, farm produce and everything? A. I mean in the appropriation account, by going back and figuring on the ledger, you can ascertain just when that debit entry was made. The Commonwealth account would be started down with an appropriation, say of $93,000. Then that is credited to the appropriation account specifically: that is, to the appropriation for salaries, the appropriation for current expenses, the appropriation for improvements,—then these appropriation accounts stand credited and the Commonwealth debtor. Then the Commonwealth is credited for every warrant drawn, and these appropriation accounts are charged debtor to the amount of money to be used; so that the information is all there, but not in a shape for an easy examination of the books by an auditor. For instance, if an auditor were to examine these books every month, instead of going through with his work in one day, he would have to work a week to find out the situation of things, and perhaps then he would not. They are not in condition for proper examination by an auditor such as is usually employed for such a purpose. For instance, usually a savings bank commissioner or a bank examiner will go in and do his work in one day. If his books were kept in this way, at the end of one day he would not know anything.

The CHAIRMAN. He comes out without knowing anything, I apprehend, even after he has made examination.

The WITNESS. I am rather inclined to think he does, very often.

Q. Now, have you compared these books with the books of other institutions of this kind? Have you examined the books of other almshouses — a city almshouse, for instance? A. I have not examined the books of any other almshouse; no, sir.

Q. Have you compared the quantities of flour and meat with those used at other pauper institutions? A. No, sir; I have not examined any other books; never have examined any books of pauper institutions. I cannot make any comparisons.

Q. (By Gov. BUTLER.) I want to ask you, sir, if by your answer to the chairman, if you mean by saying that you found no evidence of fraud, to take back the fact you testified to that those books have been lately copied from some other books, in your judgment — these main books? A. No, sir. I don't think there is anything there I wish to take back.

The CHAIRMAN. I don't understand that anything was taken back. The record will stand as it is.

Gov. BUTLER. I only wanted to put that question after what had been said.

Q. (By Mr. CHAMBERLAIN.) I would like to ask you one or two questions. I see by your estimates that you make out that the average of articles of food per inmate is a little over three gills per day of milk, a little over six-tenths of a pound of meats or fish per day. I didn't understand whether you conveyed the idea that it was too much, or too little? A. I don't wish to express an opinion.

Gov. BUTLER. Three gills and three-quarters and a little over of milk.

The WITNESS. I am merely giving an estimate, without reference to any opinion I may have.

TESTIMONY OF JOSEPH W. PALMER (*recalled*).

Q. (By Mr. BROWN.) Mr. Palmer, I want to ask you this question. What was the name of the Mr. Towle whom you worked for last? A. Levi G. Towle.

Q. Do you know a Mr. George Perkins in Exeter, an expressman? A. Yes, sir.

Q. Was there ever any other man by the name of Palmer

who drove a hack in Exeter for the man by the name of Towle, except yourself, within your knowledge? A. No, sir.

Q. Now, I want you to tell this committee whether you were not discharged by Mr. Towle for stealing? A. No, sir, I was not.

Q. Certain about that? A. I was not, sir.

Q. What were you discharged for, if at all? A. I was taken sick, sir, from heavy lifting, and I had trouble in my kidneys. To make a long story short, there was a clerk that got into a difficulty with his daughter, and he had got to support him; so he took him there and he drove with me for quite a long while and got into the business. I initiated him into the business as well as I could, and after he was into it then Mr. Towle commenced to sour on me a little. At that time I was taken sick, and didn't go back to work.

Q. There was no charge made against you by Mr. Towle that you stole from him? A. There never was.

Q. You never heard anything of that kind? A. No, sir; never heard anything of that kind.

Gov. BUTLER. You never heard anything of the kind before? It is one of the questions that has been asked by my brother Brown since this investigation began, without any evidence to back them.

Mr. BROWN. That is about as correct as you generally are.

Q. (By the CHAIRMAN.) You say that when trunks went from Exeter they were checked to Tewksbury? A. Yes, sir.

Q. Does your memory enable you to tell where the trunks were carried? A. Not precisely every trunk. I would not say every trunk.

Q. Can you say that the Atwood and Davis trunks were not checked for Boston? A. They most always invariably went to Tewksbury.

Q. You are sure about that? A. Yes, sir.

Q. How does your memory serve you to that extent? A. Well, they always rode with me, and I always carried them back afterward, and I most always invariably checked their trunks for Tewksbury.

Q. Sometimes for other places? A. Well, yes, sir; but most of the time there.

Q. (By Gov. BUTLER.) Well, didn't the going backward and forward of the trunks of these people cause talk between you and Mr. Perkins, the baggage-master, and other people?

A. Mr. Perkins was not the baggage-master; Mr. Bradley was the baggage-master.

Q. Will you answer that question? A. Well, he used to kind of laugh a little. I would go along, and take the trunk along with one hand, kind of sling it along, and say, "Joshua, Tewksbury." He would look up and laugh, and say, "Tewksbury, eh?" I would say yes, and he would give me the check, and I would go and carry it in.

Q. He would give you the check? A. Yes, sir.

The CHAIRMAN. I want to ask Mr. Fairbanks one question.

TESTIMONY OF LORENZO S. FAIRBANKS (*recalled*).

Q. (By the CHAIRMAN.) From your experience in book-keeping, and with your knowledge of this concern, what do you say should be the books that should be kept in that institution? You have substantially perhaps told us, but I would like a detailed statement of the books you think should be kept at Tewksbury? A. I should say that there ought to be a journal kept of all the transactions which do not go into some other book. I think that a cash-book should be kept for all cash transactions; a journal for such transactions as are not cash; a bill-book to keep a schedule of bills which are presented, and a ledger. And it would be well to have some separate book, I should say, for the farm account. I could not answer just now what I would advise for such a purpose; but I am satisfied there may be books devised to cover the case. It is a matter of considerable importance upon the witness stand to undertake to designate just what books ought to be kept; it would be rather a hazardous thing to do. I would want time to consider it, and see precisely what I wanted to record before I should be willing to say just what books ought to be kept there.

Q. You must now know substantially how the business is conducted, and what it is? A. I know substantially what ought to be kept. Certainly those books should be kept, and the ledger ought to have more accounts in it; that is, for these specific objects. The system undoubtedly should be double entry.

Q. Do you still think that one thousand dollars would procure them properly kept? A. I know that book-keepers are hired at very low wages, and almost lower than for some other kinds of employment.

Q. Would not such a place as that be worth a little more on account of the surroundings and the practical imprisonment? A. I should not advise, if I were to advise, the employment of a cheap man. I should want a man competent not only to keep the record of the regular routine business, but who would be competent to make suggestions, and make some improvements in the order of things.

Q. (By Gov. Butler.) A single word, if you will permit me. Now, sir, you have seen all the books that have been kept. Would it be any more work to keep a proper set of books than it has been to keep all these various books? A. Well, not much, if any.

Q. Now, another word, — and I pray the attention of the committee, — wouldn't it be well to keep an accurate account of the issues of provisions to the cook, so as to check each account, and see that nothing was gone? A. That was one thing I referred to, when I said there was not any account of such things.

The Chairman. You would need a commissary to do that. Do you mean to weigh it out?

Gov. Butler. I shall not be able to tell whether French Joe is not equal to it, — he has acted as commissary here, and I cannot tell whether he is equal to it until I see him.

The Chairman. You mean to suggest that the tea and sugar, for instance, should be weighed out precisely?

Gov. Butler. Precisely as in a well-regulated household it ought to be weighed out to the servants. You having been in the army know how our accounts are kept there. It is generally done, you know, by the commissary sergeant: so it don't require a man of high skill. My belief is if I was running this institution I should first make the superintendent, superintendent substantially of out-door work, and have general superintendence. He ought to buy all the things. They should all be charged to him, and put into store-houses. There should be a man — and I think an inmate could be found, because there would be honest poor old men go there, and more than one would be better, — who should deal out these articles on a pass-book. The cook, if he wants so much sugar, should come and bring his pass-book as a man going to the grocery store would do, and he should be made accountable to show what he did with it. If anybody wanted so much butter, that should be done. And I should make that much more carefully done where

the cook of the officers' department came than I should where the inmate cook came; because the inmates can get only their allowance, and there is no occasion to get any more; whereas the officers could get more. I have found it necessary, in keeping the accounts of an almost correlative institution, to do that. And it has been found necessary to do that, especially where we allow the officers to live in the institution. There has always been found the necessity for a check, as you know, in the army, that required the quartermaster to keep strict account of supplies furnished to officers. Then, on the inside, I would have somebody whose business it was, out of all this help which was employed, to keep a daily and hourly inspection. The physician should keep, daily at least, or twice a day, inspection and memorandum of the condition of his patients. That, so far as I see, has not been done here at all. And, in every department, the head of that department, the foreman or whatever he was called, man or woman, should keep exactly that account; and then that would be a check on the expenditure. Without that, however honest the superintendent may be, he can have no check, and he cannot know where his property has gone any more than if an inmate stole so many hundred pairs of stockings, or anybody else stole anything else, he can tell where it is gone. Now, of all the inmates' clothing there should be a strict account kept, because a very poor suit of clothes is of as much value to a pauper as my suit of clothes is to me — quite as much; and that should be kept with very great accuracy. There has been nothing done of that sort, and therefore everybody has carried off what they pleased. But without now saying anything about whether this has been done honestly or dishonestly, I am only speaking now of the system that I wish this committee would suggest to the legislature, so they would authorize somebody to make such a system. I happen to have had such a system made. It costs some $2.000 for an institution like this, which would be a very valuable suggestion as a basis, and which I would show the chairman at any time, that he might understand exactly what I mean.

The CHAIRMAN. In the receipts and sales, would you have the duplicate invoices and receipts that we used to have?

Gov. BUTLER. No, I think that don't amount to much. That is to be done by a settling of accounts under the system of the United States army.

The CHAIRMAN. Suppose a farmer sells a calf and turns

over three dollars to the clerk; shouldn't he have an invoice of that?

Gov. Butler. No; what I would do if a farmer sold a calf. I should expect the clerk to know that fact, and when he got the money he should have a pass-book in which he should enter it, and the entry should be made in the other book.

The Chairman. Then you would have an equivalent for the invoice.

Gov. Butler. Yes, sir; and the intelligent farmer would take care to have such a thing for his protection. If he didn't have, would there be any check on the clerk? Suppose Deacon Pillsbury had no books, what would there be to show that the clerk received the money, supposing there was no entry?

The Chairman. The farmer's check-book would be in existence.

Gov. Butler. I say if he didn't have one.

The Chairman. Nothing but his memory.

Gov. Butler. Nothing but his memory. And therefore there should be a little memorandum-book kept. This is the system in every well managed manufactory in the Commonwealth. The man who sells or buys says, "I bought so much; won't you enter it?" or, "I have sold so much; won't you enter it?" Then he keeps a memorandum, all these books are preserved for a sufficient time for the account to be examined, and if there is any question the matter may be corrected. In other words, I would have the same system pursued by the State that intelligent business men pursue in their business; and for another reason, or an added reason: we all know that men doing business for the State or the nation have temptations, and yield to them, to do it a little looser than they do business for a man whose eye is over them all the time. Uncle Sam's eye is not very sharp, and is closed half the time. And so with the Commonwealth. What is everybody's business is nobody's business, and it is not so well attended to, of course. The best example is that we have lived so long and there has not been the slightest check upon any man paying into the treasury that which he has sold for the Commonwealth. Take the land department, which, so far as I know, has been honestly administered. Millions of dollars have passed through their hands, and there is no earthly way of telling to-day whether they have accounted for it or not. We can tell how much they accounted

for to the auditor, but whether they accounted for the whole you cannot tell. Possibly it might be told by going and examining the records of all the deeds, but then the consideration is generally a different thing from the price paid. I want now distinctly to say, that I have not the slightest intimation that it has been wrongly done. I don't want, I should feel grieved that any idea got out in that regard. I am only speaking of the want of system. What we want in this State is a comptroller. The governor and council have been comptrollers up to within the last ten or fifteen years, but pretty poor comptrollers, because it was not exactly their business. But in the last fifteen or twenty years, since the erection of these various commissions, all that business which used to be done by the governor and council has passed out of their control. It is only a want of system. I hope we haven't lost much by it, but we must in the end if there is not something done about it.

Mr. Brown. How would you keep the hay account and the account of grain fed to cattle on the farm under your system?

Gov. Butler. I will tell you how I have kept it on a farm in a like institution, a farm of 1,200 acres. Everything that goes for the farm is charged to the farm; everything that the farm gives to the institution is credited to the farm.

Mr. Brown. That is, you would have all the hay weighed as it was garnered into the barn?

Gov. Butler. Yes, sir; for instance, if the farmer brings in a bushel of onions to the cook, it is passed on to the cook's book at the market price for onions; or, if 100 tons of hay, the same way.

Mr. Brown. You would have the onions go to the storehouse instead of to the cook?

Gov. Butler. Yes, sir, and all taken from one place. Thereby you keep your farmer honest, and you know exactly what your farm is costing you; whether it is best to run it or not. That was rendered doubly necessary in the institution I am speaking of, because we bought our cattle—where there is a farm I should advise it—we bought our cattle from the drove, if I may use that expression; we bought them and fatted them on the farm. Now we charge the farm with poor cattle at so much, and we credit the farm with fat cattle at so much.

Mr. Brown. The farm is charged with the feed also?

Gov. BUTLER. Certainly. And by that means we get at substantial accuracy. There is no other way to do it.

Mr. BROWN. What institution was this?

Gov. BUTLER. The Soldiers' Home, sir.

The CHAIRMAN. Can we get through tomorrow, Governor.

Gov. BUTLER. I think I can, sir, if you give me a pretty long day.

The CHAIRMAN. We will give you all day after half-past nine o'clock.

Gov. BUTLER. I won't keep you as long as that, unless my brother Brown takes up too much time in cross-examination.

Mr. BROWN. I will be good-natured and brief to-morrow.

Adjourned until Saturday, May 12, at 9.30 A. M.

TWENTY-EIGHTH HEARING.

SATURDAY, May 12.

The Committee met in the Green Room at 9.30 A. M. Senator LORING of Worcester in the chair.

Gov. BUTLER. May it please the committee, Mr. Brown asked the question yesterday of Mr. Fairbanks, as to whether he had compared the provisions at Tewksbury with the provisions for other like institutions. I telegraphed thereupon, last night, to the Soldiers' Home at Augusta; first, because it was nearer, and second, because I knew the number of inmates there was just about the same as the number here. And I asked General Stevenson, who is in command, to telegraph me — for I thought the committee would like to know it — for the monthly average of flour and the monthly average of inmates. And I received the following reply: "Average, ninety-six barrels of flour for one month; average number February, 936. Above statement for quarter ending March 31, 1883." That would be the last quarter. That would be 1,150 barrels per year against 1,500 barrels per year here. I think it was 1,493 barrels one year and 1,636 another year; I cannot tell exactly.

Mr. BROWN. What was the average per year?

Gov. BUTLER. Nine hundred and thirty-six. In the year 1882, 1,696 barrels of flour at Tewksbury, and in 1881, 1,493 barrels. Mr. Marsh makes the average number of inmates during the last year 907. That would make about 1,550 barrels average in a year at Tewksbury, against 1,150 barrels at the Soldiers' Home. And you will remember that there are no children there, and only about 14 per cent. of these are in the hospital. They must be soldiers of the late war and therefore must be, the largest proportion of them, between forty and sixty years old.

The CHAIRMAN. What is the average number at Togus, Governor?

Mr. BROWN. This is Augusta.

Gov. Butler. Togus is four miles from Augusta, sir; the average number is 936.

Mr. Wolcott. Does this calculation in both cases include the officers and attendants?

Gov. Butler. The officers have the right to buy. Yes, it does, because the officers have the right to buy from the institution.

Mr. Brown. The officers at Tewksbury feed from the flour.

Gov. Butler. Well, ours feed from the flour, but they account for it; that is all the difference. It is but fair to say, however, because I want to do justice as far as I know it, that women and children would be apt to eat the larger proportion of flour rather than men, and the men would eat more meat: thus we should find the meat account different, but there is no such difference as could account for this great difference.

Mr. Brown. There are eighteen at the officers' table at Tewksbury, besides the Marsh family.

Gov. Butler. Eighteen at the officers' table beside the Marsh family would hardly account for four hundred barrels of flour, unless they had enormous appetites.

The Chairman. A soldier is pretty apt to eat his ration, old or young; and the opportunities for waste, of course, at Togus, are not to be compared with an institution of this kind.

Gov. Butler. Yes; but the soldier at Togus sits down and eats his ration; he has food before him, and takes as much as he likes. There is no allowance, he eats to his heart's content. He sits and eats as you and I do, with table-cloth and knife and fork. For I may be permitted, perhaps, to say here that I found by experience that it was cheaper to give them silver-plated knives and forks, than it was to give them iron ones; and cheaper to give them table-cloths than it was to give them a plain board table. To keep that table clean wore out the table faster than the table-cloth wore out, and the scouring of the knives wore out the knives faster than the silver-plated ones wore out.

TESTIMONY OF FRANCIS B. RECORDS (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name, Mr. Records? A. Francis B. Records.

Q. Have you been engaged as book-keeper and expert to examine books heretofore? A. Not much heretofore. I have had experience as a book-keeper for about fifteen or sixteen years.

Q. And you were engaged by me in examining the books of the State police, — A. Yes, sir.

Q. And while you were engaged in that examination you were taken off and put upon this matter? A. Yes, sir.

Q. Now, sir, have you examined the books to see how many calves and pigs were sold in the time from January, 1874, to March, 1883? A. Yes, sir.

Q. How many? A. Three pigs and twenty-six calves.

Q. So far as the books show? A. So far as the books show.

Q. (By Mr. CHAMBERLAIN.) How long was that time?

Gov. BUTLER. From January, 1874, to March 1, 1883.

Q. (By Gov. BUTLER.) I now desire to ask you, did you have a copy of Mr. Pillsbury's memorandum that he took from his books? A. I don't know as this is a copy, but this is a memorandum which was given me purporting to come from Mr. Pillsbury's books.

Gov. BUTLER. It can be easily seen whether it tallies with the record; I think it does. Will you see if it tallies with the record at any time?

Q. What calves or pigs do you find to correspond with these dates? A. Well, the dates in the memorandum and the dates on the cash-book vary some. I find three dates here on his memorandum which correspond with those on the cash-book. There are eleven items in all.

Q. How many? A. Eleven.

Q. And three correspond to the sales on the cash-book? A. Yes, sir.

Q. You find a pig on the cash-book — the sale of a pig? A. Yes, sir; there is no name mentioned.

Q. You find the sale of a pig corresponding to the date, December 12? A. Yes; it is on his memorandum December 1, one pig, $10. I find it on the cash-book December 12, $5.

Gov. Butler. He explained that he put it down first and didn't pay for it until the 12th.

Mr. Brown. We shall show that is not the same pig.

Q. In how many of the items of these sales have you found the name mentioned? A. Two only.

Q. That is, there are only two that you can have any trace of who bought and who didn't buy them? A. Yes, sir.

Q. And whose names were they? A. George Pillsbury.

Q. Are those items on his list? A. No, sir.

Q. You find his name mentioned twice, and those items are not on his list from his books. Do the amounts agree? Do the amounts entered agree with the amounts on Mr. Pillsbury's list? A. Well, not always; no, sir. In 1879 he buys two at one dollar and twenty-five cents each, and there is nothing in 1879 on the cash-book over one dollar.

Q. After I received the letter enclosing the bills from Bangs & Horton, did you go down and examine Bangs & Horton's books? A. I did, sir.

Q. After examining Bangs & Horton's books and finding Capt. Marsh's account, private account, did you examine the State auditor's books to see if any of Capt. Marsh's private coal had been paid for by the Commonwealth? A. I came back after examining their books and looked at the Tewksbury almshouse ledger and found two items on his personal bill, in Bangs & Horton's account, on the ledger.

Q. Can you turn to those? A. Yes, sir.

Q. Won't you do so? A. Page 458, I think.

Q. Read that, please? A. May 31, $28.10; November 21, $73.91.

Q. Did you continue your investigation to see whether those two bills had gone into the auditor's account?

Mr. Brown. We make no question. They were paid for out of the funds of the Commonwealth. There is no doubt about it. We shall show where the coal went to and how the inaccuracy occurred.

Gov. Butler. I want to prove the facts, and then we shall hear the explanation by and by.

Mr. Brown. I will furnish you with the superintendent's check that paid for it.

Q. And you have those two bills here? A. I have.

Q. Were those two bills on the list checked on that private

account to which Mr. Phippen testified? A. They were unchecked.

Q. Do you know from the examination of the books of Bangs & Horton, by what road that coal was shipped? A. The statement they gave tells how it was shipped and the road.

Q. And to whom? A. And to whom; yes, sir.

Q. Who was it? A. Different parties at different times. Some went to Marsh, some went to Mr. Pride of Tewksbury, some to a Mrs. or Miss Atwood in Exeter, and some to Mrs. Davis.

Q. There are some little pencil memoranda on this list. Did you make these memoranda? A. I made these memoranda.

Mr. Brown. Those are some I was inquiring about the other day.

Gov. Butler. Yes, you asked Mr. Phippen about them, and he said he didn't know. Mr. Records made those momoranda as a guide to him.

Q. Did you examine about the prices? A. Yes, sir. I found they were fair prices as they were going at that time in each case.

Q. You found them to be fair prices at that time? A. That is, they were wholesale prices.

Q. And these were a part of those that were charged at a higher price, not being at wholesale? A. What say?

Q. These amounts shipped to Exeter were higher? They are higher prices than for coal at the institution? A. Yes, sir; different coal.

Q. How many lots did you find on the private account? How many lots of coal paid for by the State did you find on the private account? A. Two only.

Q. (By Mr. Brown.) Have you those bills? A. Yes, sir.

Q. (By Gov. Butler.) They are the auditor's bills? A. Yes, sir.

Q. Now, sir, lately have you examined the register in connection with the returns of the number of inmates? A. It has not been finished yet.

Gov. Butler. You have not had the returns in time. I will put that in by and by, and also another thing.

Q. Have you, in running over the cash-book—I mean the

regular cash-book—found any variations from the inmates' cash-book? A. Yes, sir, several.

Q. Did you see them before this morning? A. I saw them this morning.

Q. For the first time. Now, then, are the amounts on the inmates' cash-book that appear to have been due to them at their death and paid out, leaving out the question of erasure, are they correctly carried into the cash-book to the credit of the State? A. No, sir. August 2, 1871, Hattie Smith, on this [regular] cash-book appears $4.02; on the inmates' cash-book it appears $6.02. Susan Cochrane, $7 on the cash-book, and it appears on the inmates' cash-book as $11.

Q. That is, $7 credited to the Commonwealth and $11 appears to her credit? A. And there is no erasure on the inmates' cash-book in this case.

Q. Is there an erasure in the other case? A. I think there was an erasure in that first case. No erasure in the other case.

Q. Then Elizabeth Cassidy? A. She was credited with $9, the inmates' cash-book calls for $13. That has been erased in the inmates' cash-book. It appears now at $13.

Q. And that is over an erasure still? A. Over an erasure.

Q. Any others that you find? A. I have not looked further.

Q. In what space of time did you find these? That is, covering what space of time? A. Only in August, 1871; one month.

Q. You have only had time to examine one month. I will let you examine further and put it in. It was not called to your attention; you found it by accident? A. By accident; yes, sir. I was looking for something else.

Cross-examination by Mr. Brown.

Q. You found these two bills, Mr. Records, in the auditor's office? A. Yes, sir.

Mr. Brown. One is dated May 31, 1876, and is made out to T. J. Marsh, Esq. Without reading them in full, I will hand these to the reporter and have him put them in in full.

Gov. Butler. Certainly.

[The bills were as follows.]

BOSTON, May 31st, 1876.

T. J. MARSH, Esq.

BOUGHT OF BANGS & HORTON,
AGENTS, ETC.

D'l'd at Tewksbury.

3 17/20 tons W. Barre Egg Coal, $7.30, ... $28 10

Paid July 12, 1876,
BANGS & HORTON,
Per G. BACON, Jr.

BOSTON, November 31st, 1876.

T. J. MARSH, Jr.

BOUGHT OF BANGS & HORTON,
AGENTS, ETC.

D'l'd at Tewksbury Junct.

10 18/20 tons W. Barre Stove Coal, $6.75, ... $73 91

Paid December 8th, 1876.
BANGS & HORTON,
H. A. HAY.

Mr. BROWN. They are marked at the top "Exd, C. B. M." I suppose that means "Examined, C. B. M."

GOV. BUTLER. It is the examination in the auditor's office, I understand.

Mr. BROWN. No; that is "Examined by Charles B. Marsh." Then they also have the initials "A. H. P." And on the back they are endorsed. The bill for May is endorsed "No 80." That I suppose you found in the schedule for May, 1876.

The WITNESS. The schedule for June.

Mr. BROWN. "No 80. Bangs & Horton, $28.10." The bill of November 21 is endorsed "No 50. Bangs & Horton, $73.91."

Q. That I suppose you found in the November schedule. A. That I believe was in the November schedule.

Q. And these are both marked "Sale, delivered at Tewksbury?" A. One is marked "Tewksbury Junction," and the other "Tewksbury."

Q. Well, now did you find any memorandum of any kind or description which indicates that the coal described in these two bills did not go to the almshouse? A. No, there is nothing to show that.

Q. And you haven't been able to find anything that it didn't

go to the almshouse, or that it did go somewhere else? A. No.

Q. Well, I suppose, sir, that these bills having passed the board of trustees and the auditor, it would be fair to presume that the coal did go the almshouse for the benefit of the poor, wouldn't it?

Gov. Butler. No, sir, I think not; because the trustees' examination is only to examine the bills as they are handed in by Mr. Marsh, and the auditor examines the same bills. That is all the examination they make. They never know where it goes to.

Mr. Brown. Well, in this case we will show you where it went to; so we won't spend any time on it now.

Q. You haven't examined these almshouse books thoroughly, have you? A. Well, I have not been over them very thoroughly.

Q. You didn't intend, when you took hold of these books, to do more than verify certain matters that were pointed out to you, did you? You didn't intend to verify the entire accounts of the institution?

Gov. Butler. Not pointed out.

Q. You did not intend to verify the entire accounts of the institution? A. Oh, no, sir.

Q. But you did intend, and you have, so far as you have had opportunity, to verify the accounts of the auditor's office with these books? A. Well, some of them I have; yes, sir.

Q. Well, in whatever direction your curiosity was turned you went to the auditor's office, or from the auditor's office to the books, and in every instance except these two bills you found them to agree, didn't you? A. Yes, sir.

Q. In every instance except these two bills you found the accounts in the auditor's office and the books of the almshouse to perfectly agree. Well, have you looked through these books with a view to getting at whether the manner or system of keeping the books is a proper one? A. Well, it is not —

Q. I ask you whether you have made an examination for that purpose. Cannot you answer that question? A. Oh, no sir.

Q. You haven't. Well, have you made an examination, and are you sufficiently familiar with the mode of keeping these books and the manner of keeping the accounts at the auditor's office, so that you can answer this question: Whether that jour-

nal and that ledger, or whether any journal or any ledger kept at the State almshouse are necessary in order to preserve the accuracy of the accounts at this institution? A. Not at all, sir; not absolutely necessary; they are convenient.

Q. A mere matter of convenience, is it not, Mr. Records? A. They are not necessary. They can be kept without.

Q. In other words, if the book-keeper for any reason, either for physical inability or want of time, should fail to keep his journalization of his accounts, or should fail to post from his journal to his ledger for a period of two years, he might nevertheless keep his accounts with absolute accuracy? A. Yes, sir; and I think he has.

Q. Any doubt about it? A. So far as I have seen.

Q. You have no doubt about it? A. But it is a dead open and shut business, as you might say. He has got so much of an appropriation and he has got to account for it.

Q. Now let me ask you this: You say it is a dead open and shut business. I understand that is pretty solid expression.

The CHAIRMAN. I don't understand what that means.

Mr. BROWN. That means absolute certainty, don't it, Mr. Records? It is a sort of a slang phrase.

The CHAIRMAN. Among book-keepers or lawyers?

Mr. BROWN. All these people have slang phrases.

The WITNESS. The phrase dead open and shut don't apply to book-keeping. All the business could be easily traced out.

Q. That is it; easily traced. Now Mr. Records, I want to ask you this question. In dealing with this institution in connection with the State, is there any chance that you have been able to see for the superintendent to make any money other than by going, after he has presented the bills through the schedule and it has been approved by the trustees, and approved by the auditor, after a warrant on the treasurer has been drawn and signed by the Governor, and he has drawn the money — do you see any chance for him to make any money, except by knocking down on these bills when he takes them to go and pay them?

Gov. BUTLER. I guess the chairman will want another explanation.

Mr. BROWN. I am glad to see that the Governor understands what I mean.

Gov. BUTLER. Certainly; I understand it perfectly, and I

understood the other. I have not been forty years in the courts for nothing.

The CHAIRMAN. Answer it, Mr. Witness, as well as you can, and we will see.

The WITNESS. [To Mr. Brown.] If you will be kind enough to state that question again.

Mr. BROWN. When you consider that these bills are presented to these trustees by the vendors of the merchandise, that they are scheduled by the superintendent —

Gov. BUTLER. If you want to put the question that way, allow me to correct you. They are not presented by the vendors; they are presented by the superintendent to the trustees. They are sent to the almshouse by the vendors.

Mr. BROWN. I used a sort of metaphor in the question — certified by the superintendent to the trustees, and presented to the auditor's office in schedule; examined by him and a warrant drawn by him upon the treasury, which is signed by the Governor; and the superintendent takes that money — now do you see any way in that transaction that he could make anything except by getting the vendors to give him some allowance on the purchases? A. That would be the probable way in which it would be done, if there was any make.

Q. Well, is not that the only way of which you can conceive? A. Yes, sir.

Q. And if you could not find that the superintendent had done that, you would naturally infer that he had conducted himself with absolute honesty, would you not? A. So far as these go; yes, sir.

Q. And now let me see, Mr. Records, if I understand you in another matter. All this merchandise that comes to the institution for the support of these people who live there, including the officers, and for the support of the animals upon the farm; of course that property is all in the possession and under the control of the superintendent. Now the superintendent has the opportunity, if he is dishonest, to appropriate to himself some part of that merchandise, has he not? A. Certainly.

Q. Now I want to know, Mr. Records, — and I put the question in this way because I want to be absolutely fair about it, — I want to know if, in the examination of these books, you have intended to ascertain in any way that you could suggest, or that might be suggested to your own mind, whether he had been hon-

est in the disposition of this property which is subject to his control? A. I have no means of ascertaining that.

Q. Have you had that in view in your examination of these books? A. No; because I have no means of ascertaining what he did with the property.

Gov. Butler. There is absolutely no question about that; there is no issue account; there is no check.

Q. And that is the reason why you haven't followed it? A. I have not been asked to,—that is one reason.

Q. Are you familiar with the method of keeping accounts in the commissary department of the United States government? A. I am not.

Q. You don't know anything about the manner of issuing quartermaster's or commissary's supplies, and the certificates and vouchers which are used in that department? A. I suppose they must be used, but I know nothing about it.

Q. (By Gov. Butler.) A single word, now. Suppose he had persuaded the trustees that fifteen hundred barrels of flour were necessary, when but one thousand barrels were, is there anything in these books, or any account of it, which would check him in sending away to Exeter or elsewhere five hundred barrels of that flour, and using only one thousand barrels a year, and getting his pay for fifteen hundred barrels? A. No, there is no check on his sending it, because it all comes into his possession, as I understand it.

Q. And there is absolutely nothing to show whether he used it for the inmates or took it for himself of all this property? A. Sometimes I see items of flour sold on the cash-book.

Q. Items of flour sold. How many? A. A barrel or so sold to somebody.

Q. And that method of making money would be open to him in all articles as well as flour, of course? A. Yes, sir.

Q. On the products of the farm, on the stock, on the milk, on the butter, on the inmate clothing, on the inmate money, on the inmate property, such as jewelry, etc., — is there absolutely any way, or has there been for twenty years, so far as these books show, any check to prevent as much being carried off as the parties might choose? A. Nothing.

Gov. Butler. [To the witness.] I wish you would continue your investigation on those two points of which I told you. [To the committee.] I expected Mr. Webber to be here, but he has not arrived. I will take leave to put him on when he

comes, if ever he does; and with that I want to say to the committee, that if they will look in volume first of the House miscellaneous business for 1879-80, of the House of Representatives of the United States, they will find a detailed report of the National Soldiers' Home, and the manner of keeping the accounts set out carefully and exactly. And I have taken this volume rather than any other, because it is a volume published after I left the institution, so that it is the present system of carrying it on.

The CHAIRMAN. This is in the State library?

Gov. BUTLER. Yes, sir; this I took from the State library. With your leave, I will call attention to the quarterly statement for the quarter ending June 30, 1879. These are quarterly reports. [Reading.] Gross expenditures: Abstract A, subsistence, $10,960.04; abstract B, construction and repairs, $5,789.70; abstract C, stable, $14,108 (?); personal property, $128.50; current expenses, $4,233; incidental expenses, $275; transportation, $861; clothing, $64.27, — that small amount of clothing is that which we bought outside of what the government would issue, what was issued under the contract; hospital supplies, $2,179.10; farm, $1,628; household expenses, $6,601; manufacturing, $1,491.15. Those are the manufactures of the men, the material furnished to be manufactured. Then, gross receipts: subsistence, — that is, subsistence furnished the officers, $1,026.79; construction and repairs, — there happened to be a new stable,—$2,095 (?); that includes the animals' account. Incidental expenses, $37.08; transportation, $305.26; hospital supplies, $21.61,—that means hospital supplies furnished to officers; farm, $841.15, — that is pretty lean, because it is in June; household expenses, $619.98,— that is, certain household furniture which may have been condemned and sold; manufactures, $1,681. Then follows the deduction. Then you find further the exact account of the farm and produce during six months, commencing with apples, and containing every possible thing that could be produced, pretty much, quantity and value. Average cost of stores purchased, including transportation, I think. As I say, it cost about two thousand dollars to get up this system, and it has been running, — as it could be improved or altered wherever it was thought necessary, — for fourteen years.

The CHAIRMAN. Is that system used at the other homes; at Dayton, for instance?

Gov. BUTLER. Oh, yes; this is the Dayton Home that I have been reading about.

The CHAIRMAN. I thought you said the Washington Home.

Gov. BUTLER. No, we have nothing to do with that; that is a regular army home, and if we may believe the newspapers it has been conducted as bad as Tewksbury. We have nothing to do with that. This system applies to the four asylums: at Dayton, Ohio; Milwaukee, Wis.; at Augusta, Me., and at Hampton, Va.; including, as near as I remember, — although I could tell here by looking, — some eight thousand inmates on and off, and an average of over six thousand permanent inmates.

May it please the committee, I close the evidence here, with the exception, as I have mentioned —

Mr. BROWN. There are one or two questions I want to ask Mr. Fairbanks.

Gov. BUTLER. Certainly; do so, if you wish.

TESTIMONY OF LORENZO S. FAIRBANKS (*recalled*).

Q. (By Mr. BROWN.) There are one or two questions which have been suggested by something which has been said by Mr. Records. There has been a telegram read here; I don't know whether you have examined it, Mr. Fairbanks? A. I have not, and I did not hear the testimony.

Mr. BROWN. Let me read it. It is from Togus, Me., *via* Augusta, May 12, to Gen. B. F. Butler. "Average 96 barrels flour for one month. Average number February, 936." — That is inmates.—"Above statement is for quarter ending March 31, 1883."

Q. In your estimate of the food per individual at Tewksbury, have you made any estimate except the one which you recited yesterday, and which covered simply a period of three years? A. My estimate did not cover two years in regard to anything else except flour. I made that for two years, because I read that it had been suggested in the House of Representatives by some member that they didn't use any such quantity of flour, and that if 1,696 barrels were purchased during a year part of it would be carried over into the next year. So I ran back into 1881, and then added the purchases for two years and divided by two, so as to get an average.

Q. Now, Mr. Fairbanks, don't you think it would be a fairer way, if you are going to take any one item, to take the average for ten years? A. It might be more satisfactory.

Q. Wouldn't it be still fairer for you to undertake to present the entire ration of the inmate? A. I thought it was not enough to show one thing, and I urged it should be done. But the current expenses have been taken in their aggregate, as I notice in some of the speeches of our wise members of the legislature, and divided by the number of inmates, and the result given as the amount of food, the actual value of the food that each of these inmates received; and it includes everything, the entire appropriation of the State, the entire amount expended for repairs and additions, and an appropriation for a new barn, and various other things.

Mr. Brown. That is, they assumed that they ate the barn?

The Witness. That is a specimen of the speeches made by our wise members of the legislature.

Mr. Brown. I am sorry you let them disturb you.

The Chairman. That is a fair sample of the speeches?

Mr. Chamberlain. In the Senate?

The Chairman. No, sir; that is in the House.

The Witness. According to that the inmates have eaten up the barns, pipes, stoves, fixtures, and everything else.

Q. (By Mr. Brown.) Now you undertook, Mr. Fairbanks, yesterday, to draw an inference from your own experience as a housekeeper, as I understood you. A. If you choose to put it in that way.

Q. Well, you gave us the number of the members of your own family? A. Yes, I think so, incidentally.

Q. I suppose the quantity of flour which a person at Tewksbury would eat would depend a good deal on the amount of beefsteak that was supplied at the table? A. Yes, sir; I stated that, I believe. And I believe I also stated that if a very large quantity of other provisions — of meal, corn-meal, etc. — were used, it might reduce the amount of flour that would be used.

Q. What I want to get at is this, Mr. Fairbanks: If, on the statement you made yesterday, and the conclusions which you drew in regard to the quantity of flour used there, — if you regard them as at all satisfactory? A. They are very satisfactory to me.

Q. For what purpose? A. Well, for any purpose. For instance, if I were going to supply a household with flour, it would be a basis upon which I would act myself. I know nothing further about it. I had no particular object in making that

statement. I was requested to do it, and I did it from the best information I could get. I had to take my own experience and the experience of others. I never went so far as to take a particular case when a number of persons had been at my house during a period of time, when we were using everything liberally, without any question as to what amount we did use, or trying to be economical, — using what we wanted, — and my opinion is that a family living well and liberally would not use more than one barrel of flour for each individual in the family. I think more than half the families get along with a great deal less.

Q. Don't you suppose, Mr. Fairbanks, that the average families in Boston, people in your own circumstances, set a very different table, with different kinds of food, from what they have at Tewksbury? A. Certainly.

Q. Would not the quantity of flour used depend very much on the other articles, — very much? A. Certainly; and I said so.

Q. Then, why should you undertake to judge Tewksbury by the amount of flour which you use in your family? A. I beg pardon; but I don't think my estimate was made for that purpose. I say, looking it over again, that it was no more than fair for me to call to your attention that fact.

Q. I thought you did undertake to draw an inference against Tewksbury, to charge extravagance at Tewksbury because there was too much flour used. That is just what I want to get at. A. I think that rests a little in your imagination. A certain question was put to me and I was requested to investigate it, and I did so, and I gave the testimony I did give as the result of my investigation. But I certainly didn't apply it to Tewksbury any more than I did to Deer Island or any other institution in this city. It was for somebody else to apply it, and not for me. I simply gave the facts, and let those interested apply it. But when you say I intended —

Mr. Brown. No. I simply say it left that impression on my mind.

The Witness. It was only fair I should mention it. I don't mean to make any charges. I don't intend that my inferences shall have any weight at all. I have confined myself very closely to facts, or have endeavored to do so; and I have, of course, been excluded from making any argument, and I think from making any unjust inferences. I have been shut down

pretty close on that; even an answer which was argumentative — which perhaps sometimes I am inclined to give — was very rightly objected to. And I should like, right here, to make one explanation, since I am brought to this position. The question was put to me as to whether the accounts of the institution could be kept without the journal and the ledger. I answered the question, as I suppose I was obliged to, without any reference to anything else, and I said I could keep the financial part of it with a cash-book. I am willing to go further than that, and say that perhaps the accounts of the institution could be carried on without any accounts at all. But I won't say, and I don't say, that the keeping of the books without the journal and the ledger would be a proper way or a right way of book-keeping. If I had a book-keeper and he was behind in his books six months or one year or one month in his cash-book, as this cash-book is behind —

Mr. Brown. You mean the ledger?

The Witness. I mean to say the cash-book is behind; that is, there are no entries in it after the second day of February.

Q. (By Mr. Brown.) Well, Mr. Fairbanks, why should there be? Has there been any money go into this institution since the first day of February? Would not it be a good thing to find out before you make any charge? A. I am not making any charge. I am simply saying that if I had a book-keeper and he was behind in his accounts for six months or two years, I should say he was guilty of neglecting his duty.

Q. Don't you know, Mr. Fairbanks, that every mouthful of food that has gone into the stomach of any one of those inmates has been bought on credit, and the State hasn't paid for it, — since the first day of February? A. No; I don't know anything about it. I supposed these bills were paid monthly.

Q. You supposed they were? A. Yes, sir.

Q. You haven't taken pains to inquire? A. I know that is the course of the business.

Mr. Brown. That is all.

The Chairman. Has that witness entered?

Gov. Butler. Reserving Mr. Webber when he comes —

Mr. Brown. If you will tell me what you expect him to testify to perhaps I may be able to admit it.

Gov. Butler. I cannot tell you, for I have not seen him. Whenever I see him, I can tell you; but I have not seen him. I am not in the condition of plaintiff to your part of the case.

Gov. Butler. May it please the committee: I have now, with the exception of two or three matters of the books, and with the exception of Mr. Webber, I have now no further testimony to offer. I expected to have had less, but testimony came pouring in to me in various directions, and I have endeavored for the last fortnight only to give testimony upon certain specific points, leaving the general topic as it was before then, and to endeavor to bring down the condition of the institution, in some specific points, as near this date as possible. I have to thank the committee for the patience with which they have listened. I have but one excuse to offer for the protraction, and that is, I was continually assailed in the public prints, that I hadn't proven anything; that my witnesses were not credible: and therefore I felt it my duty to accumulate testimony on these points, and that must be my excuse. If anything important — as this is an investigation — comes to my hand while the case is going in, I shall feel it my duty to present it to the committee and ask them if they will hear the testimony.

The Chairman. Before entering upon the other side, — we have some time to-day, — I should like to have the auditor here, and ask him a few questions.

Mr. Brown. I should like to say a single word while the messenger is after the auditor. These books have been in the possession of His Excellency and his employees for some time, and the committee will readily see that from the nature of the testimony and the charges which have been made, it is very important that these books should be examined by us, — re-examined. I don't know what the intention of His Excellency may be in regard to it, but I would like the committee to have these books somewhere where we can examine them without great personal inconvenience.

The Chairman. The books, I suppose, are in the hands of the committee, and they can be examined, if the Governor is through with them, by the other side.

Gov. Butler. Certainly: it would be worse than useless for me to object; and there is a large room right under this, almost as big as this one, where they will be all the time open to both parties.

The Chairman. Examine them there, Mr. Brown?

Mr. Brown. I should prefer to have them here in some room.

The Chairman. Have them at the sergeant-at-arms' room?

Mr. Brown. I think that would be too small, unless the legislature should adjourn, or the committee on finance, and give us that room. I want them where I can constantly run to the files which are here in the State House, for the purpose of verifying different matters which may come up.

The Chairman. You find some room, and we will have them placed there.

Gov. Butler. I say you may have this room, which only has a writer in it, — I will take him out, — right under here, where you can have free access to them every hour of the day or night.

The Chairman. Both parties shall have access to the books as long as they are in the possession of the committee.

Gov. Butler. I have never denied access to them.

Mr. Brown. I have never claimed any such thing, Governor. There is another thing I should like to have the committee have in its possession. There was a cross spoken of by Mr. John Chase. I don't know where it is, but it was supposed to be at the head of a grave with the name of a Mr. Parks, but on a certain day when Mr. Chase and Mr. Innis went there, his spirit and body had both departed. I want that cross in the hands of the committee.

Gov. Butler. To that I answer I have both cross and coffin: both under here.

Mr. Brown. I don't want the coffin. I want the cross. I will let him have the coffin and I will take the cross.

The Chairman. Mr. Innis, you may bring the cross.

Gov. Butler. Any time; there is no difficulty about that.

Mr. Brown. You have spoken of bank-books; we have produced a lot of books —

Gov. Butler. I haven't any.

The Chairman. It is said the auditor is not here. I want to ask something about salaries. The Governor in his message spoke about the per cent. of salaries to the appropriations, but the auditor is not here. I don't know but his clerk could give the same testimony, as to what he means in the auditor's books by certain things.

Gov. Butler. In my judgment the clerk would know full as much about it as the auditor.

The Chairman. Then we will not wait for the auditor.

Gov. Butler. But I want the chairman carefully to distin-

guish.—I don't know that I have said anything about the expenditures for salaries.

The CHAIRMAN. No. I understand; the appropriations.

Gov. BUTLER. All I said was so much is appropriated for salaries; I don't know what has been spent.

The CHAIRMAN. The figures of the auditor, of course, are aggregates; I should like to have them particularized. As one member of the committee, I should like to examine Thomas J. Marsh with regard to the dead bodies; it seems to me that is part of the case. I suppose, Mr. Brown, Mr. Thomas J. Marsh will be here.

Mr. BROWN. I shall have the entire Marsh family, men, women, children and babies, if there are any.

The CHAIRMAN. Well, Thomas J., Jr., who had charge of the bodies, the committee certainly want examined.

Mr. BROWN. Yes, sir; every Marsh or descendant of a Marsh that I can find I intend to have here.

Gov. BUTLER. You need not bring any tender infants here; so simply content yourself with saying you will call all the Marsh family. Unless their babies survived better than other people's there aren't a great many.

WILLIAM D. HAWLEY (*recalled*).

The CHAIRMAN. I will ask Mr. Hawley some questions, if he can answer as well as the auditor.

Gov. BUTLER. He is the auditor's clerk: he has been there a good many years, and ought to know more than the auditor.

Q. (By the CHAIRMAN.) I will ask you what the appropriation was last year for the Tewksbury almshouse. You have the Auditor's Report for what year? A. This is for 1882; it contains a table which shows the appropriations for 1882, and the expenses for 1881–82. I understood you to ask me the appropriations for 1882?

Q. Yes. A. It was $93,000 for Tewksbury.

Q. What was the expenditure? A. $92,513.63.

Q. Now, what part of that, the expenditure, was for salaries? A. $19,513.63. The appropriation is divided into two parts.—$73,000 for expenses and $20,000 for salaries, and the $73,000 was expended entirely for current expenses and the $19,513.63 for salaries.

Q. Now, what is included in the word salaries? A. Well, what we would call salaries and wages. We generally consider

a man who is employed by the month right along for a series of months as coming under the list of salaries. Sometimes temporary assistance is looked upon as a current expense; but if a man is employed three or four months at a regular fixed pay per month, or so much per day, that is paid out of the salary appropriation.

Q. This, then, would include what was paid for farm hands? A. Not altogether.

Q. Or other temporary labor? A. Sometimes there is temorary labor employed; for instance, in the fall of the year, in the month when they are very much hurried, it might be properly paid out of current expense, and is so, sometimes, in some institutions.

Gov. Butler. You will see a division in the account.

The Witness. I think, perhaps, in this account there may be some farm labor paid for under current expense; yes, sir; $105, it appears.

Gov. Butler. General help; you will find general help there somewhere.

Q. I suppose your book don't show the number of men who were actually paid what you call a salary, an annual payment, does it? A. No, sir; not altogether. It contains the salaries of the superintendents and officers and some of the nurses and supervisors of the insane, and the matrons: but the employees change somewhat during the year, — do not receive a full year's salary, — but we are obliged to report each person and the amount they receive; that is, if it is paid out of the salary appropriation.

Q. Now, would the appropriation and expenditure for 1881 materially differ from this? A. I think it was a little more in 1881; that is my impression. The salary appropriation for 1881 was less, but the expenses were larger. That was the year that, I think, they had a deficiency. The flour and all kinds of produce that they use there went up, and there was that year, I think, a deficiency of some $9,000 at Tewksbury. That swelled their appropriation for current expenses; but the salaries were $18,605 in 1881.

Q. That is made up in substantially the same way? A. Yes, sir; precisely the same way.

Q. Have you figured the per cent. of salaries to expenditures? A. No, sir, I never have.

Q. The Governor in his message suggested seventy per cent., or in that region; you have not figured it? A. No, sir.

The CHAIRMAN. Of course, you having given us the figures, we can do our own figuring.

The WITNESS. I have not paid any attention to it.

The CHAIRMAN. Now, with regard to the other charitable institutions; do the committee care to ask the clerk any questions?

Q. (By Gov. BUTLER.) Just turn to the same account, and see how they compare. What is the amount for 1882? How does it compare with 1881? Thomas J. Marsh, superintendent, $1,800; Thomas J. Marsh, Jr., assistant superintendent, $1,200; William H. Lathrop, physician, $1,500; Anna M. Wilkins, assistant physician from February 1, $541.07? A. Her name don't appear here.

Q. No; but somebody's else does, I suppose? A. Julia P. Abbott.

Q. Edward J. Cutter, assistant physician to October 31, $487.10? A. His name don't appear here.

Q. The same item, I suppose? A. Julia P. Pease.

Q. Now, then, Julia P. Abbott; John H. Cocker, engineer and machinist — he does appear, don't he? A. Yes, sir.

Q. And Charles B. Marsh, clerk, $1,000? A. Yes, sir.

Q. Now how much would that foot up for the salaries for that year, of that class? A. $7,824.95.

A. And this year it is $7.837.31. The figures you gave were for 1881. Now, then, we have matrons: N. F. Marsh, $300; Sarah E. Noyes, $300? A. Sarah don't appear here for so much as that.

Q. Very well; who does? A. Well, there are several named here.

Q. I will give them in their order: there are three and three are six matrons; four regular ones; and then there is Sarah E. Cocker for a part of the time, and Eliza A. Russell for a part of the time; and it foots up $1,291.80. A. It is $1,557.65 here.

Q. Then we have supervisors of the insane, three of them, $1,045. A. Two here, $710.

Q. Then we have nurses; six nurses that appear to be regular and five that have served a portion of the year, and the salaries are $1,924.16. A. $1,997.61 here.

Q. A little larger there. Then we have farmers; eleven

farmers at different times. How much did their salary come to? A. $2,531.54.

Q. Last year it was $2,046.08. Now we have other help which came to $5,369.28. A. This is $3,983.34.

Q. The other help, then, is very much larger? A. Yes, sir.

Q. Making the whole of salaries $19,513.63. A. Here it is $18,605.09.

Q. An increase of about $1,500 this year? A. No; it is only about a thousand — a little less than a thousand.

Q. I guess you are right. And the total expense of the Tewksbury almshouse under this head is $92,513.63, as against what? A. $94,066.06.

Q. Last year? A. Last year.

Q. Now let us see if there is any other expense of Tewksbury almshouse this year? A. I don't know whether there is any other. Look under the head of public buildings.

Q. Well, page 257 and 356? A. Well, 356, I believe, is land and buildings, unproductive property, isn't it?

Q. No, sir. I will see what it is. On page 257 we have increased barn accommodations, $2,490.76? A. I have got an item here for water-closets.

Q. Then we have, on page 356, for water-closets, hospital and silo, $752.13; making in all about $98,000 as the total expense, or somewhere in that neighborhood? A. Yes, sir.

Q. Now, sir, I want to ask you a single question, if the reporter will give me those two bills. [Bills of May 31, 1876, and Nov. 21, 1876, for coal.] Those bills passed your office, didn't they? A. I suppose they did, but I never saw them until the other day.

Q. I know; but look at the check. There must be a check. A. That was before I had anything to do with the examination of the Tewksbury bills; this was in 1876.

Q. Well, is there not some check upon it? I believe they are put on the schedule that has been read. Isn't there some check upon them to show that somebody examined them? A. I don't see any there.

Q. Then we are never to know by the bills whether they were examined in the auditor's office. Now, is there anything on those bills by which you could tell whether that coal belonged to the State or belonged to Mr. Marsh? A. Yes, sir; I should consider that the memorandum, "examined, Charles B. Marsh."

would denote that it belonged to the State. It being shipped to Tewksbury, and knowing that Mr. Marsh is entitled to receive coal at Tewksbury, I should consider that it belonged to the State.

Q. You would pass this bill? It has upon it the endorsement, "Ex'd, C. B. M."; and, relying upon that examination, you would assume that it belonged to the State? A. No, sir; but if it came in proper form on the schedule, approved by the trustees and sworn to by Mr. Marsh; it being on the schedule, I should consider it a proper bill. I don't see anything on the bill to indicate that it went anywhere else, and it is a proper and legitimate charge to make.

Q. But here it is, in account with Thomas J. Marsh, Esq.? A. Yes, sir.

Q. Then you would pass bills made to the account of Thomas J. Marsh, Esq., if you found on it a check, "Ex'd, C. B. M."? A. If I was satisfied it went to Tewksbury.

Q. And what other evidence would you look for that it went to Tewksbury? A. I think the approval of the trustees who are authorized to approve their bills would be sufficient.

Q. Well, we know how that is got. And if you found it approved that way you would pass it? A. Unless there was something to show that it was improper. There is not anything on that, that I see.

Gov. Butler. Well, take anything; flour, sugar, or anything else that ought to be used, and you would not make any objection to it? That is all.

Q. (By Mr. Brown.) Mr. Hawley, I suppose the oath of Thomas J. Marsh, Sr., whom you have known for so many years, would go for something, — the oath that the property was used for the institution? A. I should not consider it necessary to look any further, if he said so.

Q. And you had his oath on that schedule when you received that bill; or the office had? A. The office had.

Q. I want to ask you another question, Mr. Hawley, and that is this: Whether, in making up the item of salaries, it is a fact that at Tewksbury the pay of all the farm employees is included? A. Well, I don't know as I could answer that exactly without an examination of the bills. There are many of the farm employees paid out of the salary appropriation, and I think some of them who are temporarily employed are

paid out of the appropriation for expenses. That is my impression.

Q. But of course it includes all the attendants, and everything of that kind? A. Yes, sir.

Q. The superintendent, officers, physicians, attendants, farm employees and employees of farm buildings down to a certain extent but perhaps not all. A. Yes, sir. This matter of making the appropriation separately has only been done a few years, — I think, perhaps, since 1878. Prior to that time the appropriation used to be made in bulk for current expenses, and they used to make no division; but when Kimball was chairman of the finance committee, at about that time, they were divided and have been since.

Q. Moses Kimball? A. Yes, sir.

Q. When did that commence? A. I don't remember. From my recollection I would say perhaps in 1877 or 1878, or thereabouts. It may have been earlier. I know it is only within a few years.

Gov. Butler. Between 1876 and 1878.

The Witness. Very likely between 1876 and 1878. I know it has been sometimes quite difficult to determine. They used to put it in "salaries and wages." Now, they have dropped the word wages, so that it is sometimes a little difficult to determine what you would call a salary, — if you employ a man ten days for a dollar and a half a day, whether that would be considered a salary or whether it would be a part of the current expenses of the institution.

Q. (By Mr. Brown.) Now, go right on. Is there any other way except to go straight to the bills of the auditor's office, — any other way to find out what the classification means, except to go straight to the bills? A. I don't know of any other way.

Gov. Butler. Or to the schedules.

The Witness. Well, the schedules are supposed to be divided. They were divided at my request, I think.

Q. (By Mr. Brown.) The schedule would show the amount of the pay-roll? A. Yes, sir.

Q. And the pay-roll would show the pay of the man, and the character of his labor?

Gov. Butler. Well, here is "other help."

The Witness. That is taken from bills rendered.

Q. (By Gov. Butler.) The same schedule that is furnished

you, is it not? A. No, sir, it is not. We don't take anybody's else schedule; we furnish our own.

Q. (By Mr. BROWN.) Is there any other way to explain to an intelligent person what the percentage of salaries is? You would be obliged to go to the auditor's office and get the bills and pay-rolls, and then let the man look and see the items of which that was made? A. Yes, sir.

Q. And any other statement of it would be misleading, would it not? A. It would seem to me so.

Mr. BROWN. That is all.

Q. (By Gov. BUTLER.) A single word. I find David Hilton put down here among the farmers, and then I find Daniel M. Barrett, baker, $550, "among the other help," by your office. Why should one be classified as a salaried officer, and the other as "other help?" A. Well, other help might be a salaried officer, I suppose.

Q. Then, really, this don't make any distinction, because I find here, Hannah O'Connell, attendant, $252; Mattie L. Bean, attendant, $252; Marcia A. French, $252; Hattie E. Locke, laundress, $252; and I find over here, among the matrons, Carrie H. Locke put down at $252, and one other put down as a matron and as a nurse at $252 each. So that there really is not any difference? A. Well, the name is designated by the superintendent, who has power, I believe, to appoint his own attendants, and we always call them by the name that he gives them.

Q. Undoubtedly; but I ask you, is there any difference as regards their having salaries between those on one side and the other of this leaf? A. Well, there is not. Those put down as paid out of the appropriation for salaries are supposed to be salaried persons. The law says we shall appropriate so much money for salaries, and we pay what is designated by them as salaries.

Q. (By Mr. BROWN.) Designated by whom? A. The superintendent of the almshouse who has authority to employ these people.

The CHAIRMAN. Governor, the committee has decided to have the books carried to their room, Room A, where both parties shall have access to them; and at night they will be put into the safe by the sergeant-at-arms.

Gov. BUTLER. I shall be very glad to get rid of them. It won't be safe for anybody to alter them now.

The Chairman. Now, Mr. Brown, we will hear you, if you want to make a statement in opening.

Gov. Butler. Did you ever know, in an investigation, of an opening? I don't know what you can open.

The Chairman. If the counsel desires it on either side; I suppose it is usual.

Mr. Brown. Your Excellency will remember you had an opportunity to deliver an inaugural address, which I did not have.

The Chairman. You may have yet; we don't know what may happen.

Gov. Butler. The people may yet appreciate you.

Opening Argument of Edward P. Brown, Esq., Counsel for Respondents.

Mr. Brown. Mr. Chairman and gentlemen: I am rather surprised this morning, because I did not expect the Governor would close so early. If I had known it I certainly should have had a number of witnesses here present, and have gone on without delay. This investigation has extended over a period of time so long that I have changed my original purpose, which was not to say anything at all in opening the defence, and I feel it my duty to make a few remarks, a few general remarks, for the purpose of indicating to the committee what the defence will be. And in making these remarks I shall confine myself entirely to the character and the line of evidence which I intend to offer. I have had occasion, sometimes, to object to the admission of testimony here at this hearing. I have objected because I felt that the evidence was not admissible. The committee have generally ruled otherwise, and the evidence has been admitted; and I only refer to that, because, in many instances where the evidence to my mind amounted simply to an insinuation, I shall be obliged, and I intend to produce witnesses and testimony to answer these insinuations as fully and as perfectly as it is possible for me to do. For instance, let me illustrate. The depot-master of the Boston & Maine Railroad was produced here, and he produced an entry made upon his books by another person before he entered the employ of the railroad corporation, for the purpose of showing that on a certain date certain merchandise was shipped from

Tewksbury to Exeter. Now, I purpose, although in my judgment that is not evidence, I purpose to answer it, nevertheless, and I purpose to show what that merchandise was, and the occasion for its being sent. On another occasion there was an entry which related to Dr. Putney. Well, now, I purpose, if my witnesses don't die before we get to that point in this case, I purpose to show precisely what that merchandise was, — that it was the personal merchandise, apparel, furniture, of Dr. Putney when he did that which he had a perfect right to do, moved from Tewksbury to another town.

Now, there has been a great deal said here in this case with regard to the Marsh family who lived abroad; or, at least, lived out of the State or in other places, Reading, Exeter and so on. I think I can satisfy this committee by competent evidence, that the Marsh family never had one cent's worth of anything which ever came to that institution which belonged to an inmate. I will show this committee that for seven years there never has entered that institution, either on the person or in any trunk or bundle belonging to any inmate, more than two silk dresses, and those weren't black; and they are there now, and I am going to produce them here to this committee. I will show to this committee that not one rag of clothing was ever taken out of that store-house by old Mrs. Marsh or by the young Mrs. Marsh, the wife of Thomas J., Jr., for their own personal purposes. I purpose to show this committee that these two women, one for a period since Dec. 31, 1875, and the other for a much shorter period, have given their entire personal attention to the remodelling, recutting and sewing of the garments of the inmates for themselves; and there never has been a thing gone into that place, the property of an inmate, — except, perhaps, some cheap shawl, or something of that kind, — which any member of the Marsh family could possibly, or any other family in Tewksbury, could possibly desire to wear. Fortunately I shall produce the store-keeper, the woman who has had charge of all this clothing for a long series of years, and she will tell her story and you can hear it, and you can see whether it is true or not.

Now, I have had drawn, and I will have it here on Monday morning, a plan of this institution, the grounds. I have had the buildings located exactly, by absolute measurement, as they are to-day. I have had the plan indicate the spots on the surface of that territory where buildings have existed in previous

years, and I shall show to this committee that many of the things which these witnesses have testified to, they could not have seen at the time when they took place, — when they say they took place, — except they looked through the two walls of a large building.

I shall show you that some of the men who have come here to testify are deserters and bounty-jumpers from the army, and one or two of them, I think, were in that motley crowd of esthetic citizens who congratulated His Excellency in Park Square in New York during the war, with apples and eggs. I shall show that some of the women who have been here to testify are notorious prostitutes.

And I purpose to present to this committee a tabulated statement of every article of food which has gone into that institution, commencing with the first day of January, 1870, and I shall show the average of inmates in each year and each day of the year during that period; and I will present to this committee the ration that every one of these inmates have in each day of the year, — that is, the average ration, — and then this committee will have an opportunity of knowing whether these inmates have been starved or whether they have not been. I shall produce an average statement of the clothing used in the institution, and I am going to show this committee that it is not clothing that the Marsh family would be likely to appropriate to themselves, not at all, or anybody else. It is a different style, it is a different character of clothing from what those of us in the average walks of life would be likely to desire.

I purpose to show to this committee that no such mismanagement and cruelty has ever existed in that institution as has been testified to here. And I want to say in passing, that I stand here to-day perfectly surprised that out of over 40,000 people who have passed through that institution since Thomas J. Marsh, Sr., took possession of it November, 1858, I am perfectly surprised that a number not exceeding a score have been found to come here to testify to abuses that have taken place in that institution. I say I am surprised. There is not an almshouse in any town in the Commonwealth of Massachusetts that ever had a yearly average of twenty-five inmates where you can't find during twenty-five years past, more causes of complaint than have ever existed in this institution, if this that we have had is a fair sample. Now, under the head of mismanagement, we have bad food, improper bathing and lack of proper hospital

attention, cruelty to inmates. I shall show to this committee that at the very time when this saint, Dudley, was here,— a man discharged from the lunatic hospital in Maine for drunkenness and for irresponsibility and bad character, during that very time Clogston & Co. of this city had, years before, ten years before, put in individual bath-tubs; and if he undertook to make these poor people go down into that pool to be bathed, it was because his heart was black and because he hadn't the manhood to obey the instructions which he had received and to avail himself of the opportunities which this institution presented to him for the purpose of keeping those under his charge cleanly at all times. I shall show you that no such lack of attention ever took place in any hospital there; and when there was published to the world that instance of the treatment of a woman in travail, you will be surprised to find that I will produce a record of that woman travelling through the commonwealth with her heart filled with gratitude that Dr. Lathrop delivered her as he did.

Now, take the matter of the food. I am going to make an admission here in regard to the food at this institution. I have come to the conclusion, not from an examination of this evidence, but from a personal inspection of this institution on five occasions since this inquiry commenced, that the food of this institution is not sufficient, and I am going to show it. This is not an almshouse, strictly; it is a great hospital. There should be spent $10,000 a year for the delicacies which are meted out in a hospital to those poor people who come into this institution, some of them having arrived here from their native land not more than a week, or ten days, or three months before. They go to that institution sick, and to a very large extent it may be true, as one or two of the witnesses have stated, that this food was right for a strong man, but for a man who was weak and feeble, there were not provided for him sufficient delicacies; and I believe that is true. And I believe the result of this investigation will show, not only that there should be a change in the character of the food, but there should be added to the appropriation in every year from $5,000 to $10,000 for the purpose of putting into that institution extra attendants, so that the attention given to these poor people should be much greater than it is now. I carefully noted every witness who came here to speak with authority upon the subject of the management of the poor in such institutions, — the gentleman from Lowell, and the

gentleman from Salem. — and I noticed in every instance that the number of inmates to one attendant is greater by five in this institution than it was in either of the institutions to which I have referred. I shall show you, gentlemen, that through a series of years this institution has been visited by distinguished persons from abroad, distinguished physicians from Philadelphia, from St. Louis, from Chicago, from Baltimore; such men as Cadwallader, Stokes, and others; men who are authorities the world over on all sanitary questions; authorities as experts upon insanity, and in the treatment at hospitals for the insane, or for the injured and maimed. And I shall be able to produce some of these men, who will tell you that for a period reaching back to a time prior to that when this young man Marsh [Charles B. Marsh] was ever connected with this institution, this institution presented the same character for cleanliness which Mrs. Leonard — who, by the way, my friend the Governor offered the charge of the Sherborn prison to — the same character for cleanliness which she describes as having observed in the visits which she made in 1880, '81, '82 and '83 — not '80, I think. I shall show by these people, when I get them before you, Mr. Chairman and gentlemen, that going back fifteen years, the same quality of food was served, and I shall be able to produce the man who baked the bread, and who did the cooking back for a series of years, I am informed; and I shall be able to present to you an illustration, a comparative view, as it were, of their bread and their food; we will have some of it here before this committee. I have been into the kitchen and reached my hand into the kettle and pulled out the codfish and tasted it, and I don't have any better salt codfish and potatoes on my table than they have at Tewksbury.

Gov. Butler. Didn't you scald your hand?

Mr. Brown. Not a bit; not a bit. I am not easily burned. So with the other food. We will have some of the bread, some of the crackers, before this committee. And I propose, if I can carry out the arrangement which I am now putting in operation, that you shall have some of the bread from other public institutions in this country beyond this State — New York, Pennsylvania, Ohio, Illinois — and you can see whether the people here in Massachusetts, whether we treat our poor as shabbily as the general tenor of this evidence would seem to indicate.

Now, then, there is one other subject to which I wish to call the

attention of the committee, and that is the matter of these dead bodies. There never was a human skin tanned by any person from anybody that came from Tewksbury, and I challenge any man on this committee, or who has attended this investigation, to put his finger on a syllable which traces one piece of such skin to Tewksbury. I find the promise recorded, several times, that it would be connected with Tewksbury, but I have hoped in vain. It has not been done. The statute of 1830 — the first statute passed in this Commonwealth, if I recollect the date — gave to the keepers of almshouses and to certain public officers the right to deliver to certain incorporated medical schools, the keeper of the almshouse or the officer having first received a proper bond, the right to deliver certain bodies which were to be buried at public expense. Now, why was that done? It seems a strange and unkind and almost cruel thing to many people. Why was it done? It was done simply that the grave on the hillside in the country village might be preserved inviolate. That is all. And if His Excellency will point me to a single State where there has been no statute passed on this subject, I will point him to graveyards in that State without number where the occupant cannot be found. That has been the experience ever since medical schools were established, and doctors found that it became necessary in the pursuit of their studies to make examinations by the dissection of human bodies. It has been found necessary to protect the grave by giving to these public institutions an opportunity to have the bodies of some persons for purposes of dissection. Well, now, is there anything wrong in it? I say not at all. Every man who is intelligent and who reflects for a moment will see that it is absolutely of no consequence what becomes of his body after death. I would as lief my body would be dissected as to lay in the grave and rot and pass into the circulation of the grass, or percolate the gravel in water to be drunk by some animal or my friends who go to the old paternal well to drink — just as lief. And that distinguished gentleman, Dr. Warren, when he made his will, provided that his body should be dissected, that his skeleton should be preserved; and he made a special request that that skeleton should be, after it had been prepared, hung up to the public gaze. And if you go to the Harvard Medical School to-day, there you will find the bones of Dr. Warren hanging up there in a room, precisely as he directed they should be before he died. Why, Mr. Chairman and gentle-

men, if I were disposed to expatiate on this subject, I could show how absolutely essential to human life is this provision of the statute which we have had for more than fifty years, which gives the bodies of those to be buried at the public expense to the hospitals and to the medical schools for dissection.

Now, one step further, Mr. Chairman. I propose to show to this committee just the number of bodies that have left Tewksbury for the different medical schools or elsewhere. I don't believe there is a citizen of Massachusetts, from the highest to the lowest, who ever believed that it is the duty of the Commonwealth to put money into its treasury as the result of the sale of these bodies. I don't believe that it was ever intended that the cause of medical science should be subjected to the burden of paying for these bodies, to be buried at the public expense, one mill more than the actual cost of preparation and transportation. I have carefully studied the statutes of this Commonwealth and those of many of the other States upon this subject, and, if I recollect right, I state with perfect accuracy, that there is no place in the United States of America where the people of any commonwealth have desired that the money, the consideration for the delivery of these bodies, should go into the public treasury. You can't find a well-regulated medical school in the United States, to-day, where you can find a record of the names of persons to be dissected. And why? Do you believe that it would be in accordance with public policy? Do you believe it would be obeying the spirit or the law of that statute which says that this business shall be so conducted as not to offend public sentiment? Do you believe that that would be conducting that business so as not to offend public sentiment, if on the records of these institutions there should be spread the names of the persons whose bodies are dissected? I do not, and that is the judgment to which the faculty of every medical school in this country has come, so far as I have been able to get any information. Now, sir, this body business has assumed the proportions — I think I won't undertake to state with absolute accuracy — but somewhere over five hundred bodies have been delivered to various public institutions. The body of no child was ever delivered to any public institution prior to the time when Thomas J. Hall, your witness [turning to Gov. Butler], says he did put a child into one of the trunks to be sent to Harvard College, and that was in the month of October, 1876. That was after the return of a well-known distinguished physi-

cian, who desired the bodies of still-born children, or of those under the age of ten days, for the purposes of illustrating positions in the matter of the delivery of a woman in travail. That is what they were used for. No baby ever went to the dissecting-table in the Harvard Medical School, or anywhere else in Boston that I can find, and no baby's body ever went from Tewksbury prior to October, 1876. And as to the testimony of Dixwell upon that subject, if the committee gives the slightest credence to it, if his reputation in this community as the inveigler and swindler of the Russian Jews, a matter of public notoriety, has not already come to your minds so you do not believe him, we will offer testimony to show that his testimony here before this committee is not only absolutely absurd, but that it is false.

Now let us go one step further. We will show to this committee that no body ever went into a grave at Tewksbury and came out to go to a medical school. Never. Why should there? Why, during the ten years, the thirteen years from 1870, this institution has never delivered one-quarter part of the bodies which it might have delivered — never. A little over five hundred? There have been more deaths in that institution since 1870, and, I repeat, there has never been delivered one-quarter part for the purposes of dissection, or for the other purpose which I have indicated under the provisions of our statute. And, Mr. Chairman and gentlemen, we shall account for every dollar, every dollar, and we shall leave it to you to say whether Thomas J. Hall, or any other man who had to do with the business; whether Thomas J. Hall, the witness, introduced by His Excellency, who testified that he had twenty-five dollars a month as a farmer, and received two dollars per body extra for handling these bodies in the night-time, — we shall ask you to say whether that is unreasonable, improper, or any evidence of bad management.

Now I want to say one other single word about this body business. It has been conducted in the night. Well, what of it? Would His Excellency have us regale the inmates of this institution with the packing, the delivery, and the carting of these bodies in the daytime? I ask you, gentlemen of the committee, to believe what I here suggest, that I will show you before I get through that there are not a dozen persons in that institution who ever knew the fact that this business was transacted. Such is the propriety, such has been the care, such

has been the regard for public sentiment, and the discipline of this institution, that not a dozen persons in it ever knew that this business was transacted until it was brought to the attention of the public by His Excellency.

And I want to say another thing to the credit of this institution and its inmates, and its management, that, during this entire investigation the public prints have been freely read; and up to within ten days — for that is the last date upon which I have had any information — there has never been one single breath tending to show dissatisfaction, rebellion, lack of discipline. This institution and its inmates have been going on in their quiet and uninterrupted way, absolutely regardless of all that has been said in the public prints — the inmates as quiet and as contented as they ever could be — until some of them ascertained there was a pretty fair fee for a pauper to be obtained here by coming as a witness, and then we had some dissatisfied, who begged to be discharged, or, failing there, they deliberately absconded and immediately appeared here — Cornelius O'Brien for instance.

Now, I say to you, gentlemen, in closing, that I shall put in in this defence, — I shall call those who have been at the institution, — one old woman who has been there for twenty years, and others; and I am going to do something which I think will please you all; I am going to give you the photographs of about thirty of these starving babes, and I think you will be amazed to see how emaciated, and uncleanly, and untidy they appear. But I shall present them to you at the risk of your adverse criticism and hostile judgment. They are children too young to be brought here; they can only tell their story to you by letting you have a glimpse of their ruby cheeks and lips, and bright eyes and intelligent expressions, which come from their faces, when you look at them, and which we have been able to secure by means of the modern art of photography. I purpose to present these witnesses, and if there is anything that the committee can ever suggest at any time that I am not doing, or that I haven't done, regardless of consequence, you shall have everything you want. If you know of anybody who has ever been at the institution, that you want called, I will call them. I only ask that they be people who, as far as we can understand, have enjoyed during their prosperous times at least, the reputation of being people of truth and veracity.

Adjourned until Monday, May 14, at 9.30 A. M.

TWENTY-NINTH HEARING.

Monday, May 14.

The committee met in the Green Room at 9.30 A. M., Senator Loring of Worcester in the chair.

Testimony for the Respondents.

The Chairman. Proceed, Mr. Brown.

Mr. Brown. The witnesses I have called will step forward and be sworn, — Dr. Hodges, Dr. Bush, Dr. Porter, Mr. Tinkham, Dr. Bradford, Dr. Richardson, Dr. Dean, Dr. Flemming, and Mr. Collins.

Gov. Butler. Why not swear them one at a time?

[Four of the gentlemen named were sworn.]

Testimony of Charles H. Littlefield (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Charles H. Littlefield.

Q. Where do you reside? A. At Lawrence.

Q. What is your business? A. Civil engineer.

Q. How long have you been engaged in that business? A. I have been carrying on business myself sixteen years.

Gov. Butler. You need not qualify him.

Q. [Producing a map.] I want you to look at that map and tell me whether that is a map of the locality of the Tewksbury almshouse. A. Yes, sir.

Q. Just describe what that map includes. A. This takes in all of the farm that belongs to the State.

Q. All the property of the State? A. All, except they have a small piece, I understand, over in the town of Tewksbury, somewhere in the village; but this is the farm at the almshouse.

Q. And these lines indicating a railroad are what? A. The Lawrence & Lowell Railroad, — the Boston & Lowell and the Boston & Maine branches, both of them.

Q. Now, I notice the buildings. Just tell me what those indicate. A. Those are the buildings on the grounds, and the buildings that belong to the institution.

Q. And this map was made when? A. Last year — 1882.

Q. And what does this red line, extending across here, indicate? A. That is a drain, — an underground drain, — running from the buildings down to a large cess-pool near the railroad.

Q. And these streets indicate public highways? A. Public highways.

Q. What does this blue line indicate? A. That is a water-pipe extending from the engine-house to the reservoir on the hill; the reservoir is shaded blue.

Q. Now, did you make the survey from which this map was drawn? A. Only part of it. The farm lines, — the land lines, — were mostly made up from another plan. The buildings and drainage I made surveys for myself.

Q. [Producing a second map.] Now, look at this map, and tell me what it represents? A. This is a plan of the buildings alone, on a larger scale than the other plan.

Q. That is, the same buildings which are on the map of 1882? A. The same buildings.

Q. When did you make the surveys from which this was drawn? A. This was partly made from surveys for this other, and partly from surveys made within a short time.

Q. Now, have you located these buildings relatively to each other, just as they stand upon the grounds? A. Yes, sir.

Q. What is the scale upon which this map is drawn? A. This is twenty feet to the inch.

Q. Now, I notice on this map you have placed certain dotted lines, as for instance, here. [Indicating.] There is a dotted line there marked "A;" what does it indicate? A. That indicates the former position of a building marked "A;" the store.

Q. And you find the store standing there now? A. The store now stands where it stood before.

Q. Now take these dotted lines indicated by "B" and "C." A. They show the buildings marked "B" and "C," which are now two buildings which formerly stood in this position as one building.

Q. That is, this building here and that building there? A. Yes, sir.

Q. It being removed from this place indicated by the dotted line? A. I don't know, sir. I only know about that building.

Q. That I will show by another witness. Now take "D" and what does that indicate? A. "D" indicates that piece of it here which is included within this dotted line.

Q. That is, the building originally stood there, but now stands there with the addition of this part? A. That is what I was told.

Q. Now, I want you to tell me whether the main building, occupied by the Marsh family, or by the old men upon the one side and the old women upon the other, and the officers of the institution, is indicated upon this map? A. Yes, sir.

Q. Whether the plan upon that map represents the actual measurement of doorways and partitions verified by personal inspection, by yourself? A. Yes, sir.

Q. What is the width of the doorways there? A. Most of them are three feet and two inches wide. Some of them vary. Some are three feet, and some are three feet and three inches.

Q. Now, is there any door leading from the corridor, near the old man's ward on this floor, to the building there occupied as a dining-room by the Marsh family? A. No, sir; unless it goes in under the stairway.

Q. So that nothing could be transferred from there to that part of the house without going outside? A. No, sir.

Q. Now, where is there a passage here, if any, between that corridor and that building there? A. There is an outside door there.

Q. That is into the back court? A. And a door there.

Q. That is into the entry? A. And there is a door into that room from here, or here; here I think.

Q. Well, it is outside, or in that entry, one or the other? I wish you would verify that. There is an outside door there? A. There is an outside door there.

Q. Now, I want you to tell me what this line running around here and up here indicates? A. A high board fence.

Q. How high is this board fence that commences here and runs around here? A. I didn't measure the height of it, but I should think ten or twelve feet.

Q. Do you recollect the character of the fence from the inside, next to the building? Whether it is the flat side of the fence to the building, or whether it is a fence with the girders

next to the building? A. I think the rails of the fence are on the inside here; I am not sure; I think that side is smooth, but I would not say positively about that.

Q. Well, now what is the width of the passage-way in that front door which is between these rooms next adjoining the dining-room of the Marsh family? A. Three feet.

Q. You know that to be an actual measurement, do you? A. I have two or three measurements here on my book.

Mr. Brown. Just take your book.

[The witness produced his note-book.]

Q. That is your actual and original note-book? A. Yes, sir. The door itself is three feet and two inches, but the opening is about three feet in the clear. There is a weather-strip besides the door-post.

Q. Now, I want to know what is the width of the passage-way there? A. The door, or the passage-way?

Q. I mean the door. Take the door first? A. The door is three feet and two inches.

Q. What is the largest aperture? A. Possibly half an inch less.

Q. Now, I wish you would tell me what this indicates here: what that room is? A. I suppose that is the kitchen, from appearances; I didn't ask.

Q. What is the width of the window? A. That is a doorway, sir.

Q. Have you indicated the windows there? A. No, sir.

Q. Of course the windows must be between the two partitions, but it is immaterial? A. Yes, sir. That is flagging.

Q. Now that calls my attention. Can you tell me what this blue shaded heavy line means? A. It is flagstone; a flagging walk.

Q. Now, what is this slate color? A. That is a concrete walk.

Q. Now, that concrete walk extends from the door at the office directly to this door here which is in that building? A. Yes, sir.

Q. And is also represented here as going from here down to the hospital and also to this hospital? A. To these three hospitals.

Q. And also going down to this. These concrete walks are placed correctly by actual measurement as they exist on the premises? A. Yes, sir.

Q. And this represents the same, does it? A. Yes, sir.

Q. This is what is called the shanty? A. Yes, sir.

Q. This the chapel? A. Yes, sir.

Q. And this the male hospital? A. Yes, sir.

Q. That is the boiler-house, that the bakery, and there is a passage-way going from the bakery through here? A. Yes, sir.

Q. Is that a covered passage-way? A. That is a covered passage-way.

Q. Now, tell me what this section of this insane building represents upon this map? A. These small apartments are the sleeping apartments for the inmates, I suppose; there were beds in them.

Q. That is the first floor? A. It is the first floor.

Q. The floor above the basement? A. Yes, sir.

Q. What do these large rooms represent? Take this room here. A. Well, occupied by the inmates as sitting-rooms, I suppose. They were sitting in them.

Q. This is a corridor, and this represents a stairway up stairs? A. Yes, sir.

Q. (By Gov Butler.) These are what you call wards, I suppose? A. Yes, sir.

Q. (By Mr. Brown.) Now, I notice this projection on the back of this building, indicated by these angles. What is that? A. I suppose water-closets; I didn't go into them. There are drains running from them. I think I was told they were water-closets.

Q. (By Gov. Butler.) And that other one? A. The same.

Q. (By Mr. Brown.) Now, what are these? A. These are steps up to the platform, up to the porch over the doorway, this going out from the side and this from the front of these stairs down underneath into the basement; and these are steps under there going into that basement.

Q. Does that show the size of these rooms correctly? A. Yes, sir.

Q. And these rooms are partitioned off by what kind of a partition, do you recollect? A. In one part they were brick partitions, I don't know whether they were in all or not.

Q. How about the windows in these rooms? A. There is a window in each one, I think.

Q. And how about connection with the main walk? A. There is a door shown opening here into each one.

Q. Is there anything above the door? A. I think there is an opening, a transom or something of that kind.

Q. An opening with a grating over it? A. Yes, sir.

Q. Look at your notes if you will, and tell me just what the size of these rooms is? A. One set of them is six feet wide by eleven feet and two inches, and the other is six feet three inches by the same — eleven feet two inches.

Q. The larger ones sort of face the sewing-rooms as you go in from the entry, do they; the double room which is a sewing-room? And this here represents the boiler-room? A. There is a boiler there and I think they furnish heat for the hospital, or something of that kind.

Q. This is a gas-house for manufacturing gas for the institution? A. Yes, sir.

Q. And there seems to be another boiler-house? A. That is used for a laundry.

Mr. Brown. That, I believe, is all.

The Chairman. You haven't shown the location of the dead-house.

Q. (By Mr. Brown.) That represents the exact location of the various out-buildings, does it: the carpenter's shop, the blacksmith's shop. —? A. — ice-house, storehouse, tool-house, barns, etc.

Q. And that there is what is called the dead-house, is it? A. Yes, sir.

Q. (By the Chairman.) Is this the way to the depot? A. No, sir: that is a driveway through the field; this is a driveway down the road.

Q. (By Mr. Brown.) Tell me whether you made examination to see whether the dead-house is partitioned off in the middle? A. I never was in it, sir.

Mr. Brown. I wish you would examine that, and put on this map the division of the dead-house.

Cross-examination by Gov. Butler.

Q. A single word or two only. These buildings are as you find them now? A. Yes, sir.

Q. How they were five, six or ten years ago, you don't know. Now, where was the corridor of the old man's ward? A. By going in at this door through there and going out of a

door there, or coming from the outside through this door, or going away around there.

Q. I am talking about the corridor and not about the doors. A. I don't know of any, sir.

Q. You don't know of any corridor there? There was no corridor or passage to the old men's ward, so far as the buildings are now? A. No, sir; that is, you go into this room from this entry.

Q. Now, where do you go from this entry? A. Out doors at this end or through this passage-way. You may call that a corridor.

Q. You call it an entry. You can go out doors here, and the door is three feet wide? A. It is three feet and two inches.

Q. What do you strike in here? A. It comes out into the yard.

Q. What is this around here? A. That is the front of the main building.

Q. So it stands now. Now, how is there any way of getting out? What does that represent there? A. That is a water-closet.

Q. Now, sir, suppose you got out to there, how would you get out of the yard? A. I don't know of any way except to come around through here, without taking down the fence. I don't know whether there is any gate in the fence or not.

Q. This front of the main building, is it raised up on a platform? A. No, sir; there are steps in front of this front door.

Q. No sort of a piazza, or anything of that sort? A. No, sir.

Q. Is this ground on a level, except the steps? A. I think not. The driveway is down here. I think the ground comes out part way into this ground here and then comes down some steps.

Q. But I want to know about this here. A. I think the ground here is on the same level as on the inside of the fence.

Q. Do you know when this fence was built? A. No, sir.

Mr. Brown. We will show that hereafter.

Q. Very well. Assuming that fence to be there or not to be there, would there be any difficulty in taking a three-foot box out of that door and fetching it around here and down these steps — whether any fence was there or not? A. No, sir; I should not.

Q. So, if there was no opening in the fence, if you had anything in the old men's entry, the nearest way would be to come out here? A. That would be the nearest way out of the door.

Q. And if you wanted to load it the easiest way, and if there was any gate or place in the fence, it would be the easiest way to come right here? A. That is nearest the driveway.

Q. And that would bring it on to even ground? A. I think there is a little terrace there.

Q. Now, is there one there? A. I think there is.

Q. About three feet high? A. Yes, sir; I think there is.

Q. So I thought. Now, then, these steps lead out on to that terrace? A. Yes, sir.

Q Now, you are out on the terrace with a three-foot box, having come from that door. Any difficulty in taking that right along on the terrace there? A. Only the fence.

Gov. Butler. I don't know as I want to ask you any other question. [To Mr. Brown.] Will you allow me to put on Mr. Webber? [To the Chairman.] Mr. Chairman, Mr. Brown will allow me to call Mr. Webber, who is now present.

Testimony of John S. Webber (*sworn*).

Direct examination by Gov. Butler.

Q. What is your full name, Mr Webber? A. John S. Webber.

Q. And you are, and have been for many years, in Gloucester, a civil engineer? A. I have.

Q. And did you know Mr. Richard Morey, in his lifetime? A. I knew John Morey.

Q. I beg your pardon, — John Morey. Do you remember being present in Mr. Thompson's office, when Mr. Morey called in there about his wife's sister's things up at Tewksbury? A. I was there at the time.

Q. What did he say there? A. Mr. Morey, as I understand, stated that he had been to Tewksbury in order to obtain some of the effects that belonged to this woman who had died, the sister of his wife — some articles of wearing apparel and also rings, — and that he could not obtain them. Mr. Thompson suggested that the proper course for him to pursue, would be to take out letters of administration; and then Mr. Thompson requested him to come to me and fill out the petition, and I gave him —

Q. Well, before we go to that, I want you to be a little more particular about the things he wanted to obtain? A. The things he wanted to obtain were — he said that she died leaving some money and some dresses, and a shawl and a ring.

Q. Any other jewelry did he speak of? A. No; he spoke particularly about the ring, because he put out his hand when he spoke about it.

Q. Did he say anything about his going up there? A. No, I don't recollect anything about that.

Q. Did he state he had been up there after it? A. Yes, sir.

Q. And could not find it? A. He could not obtain the articles.

Q. Did he say what kind of dresses they were? A. I don't recollect whether he said anything particular about them; my impression is he said there were two dresses and a shawl, and this ring, but I don't recollect about his describing what the dresses were; the material.

Q. You filled out the petition? A. I filled out the petition.

Cross-examination by Mr. Brown.

Q. Do you know what ever became of it; whether they acted under it in any way? A. I stated, when I filled out the petition, that it would be necessary, — probably the judge would require the ordinary fees for the petition, and that would involve him in an expense of four dollars or five dollars.

Q. What did he say to that? A. I don't know hardly what reply he did make.

Q. Well, did you ever know whether he presented the matter, or whether he didn't? A. I don't.

Q. You never heard about it afterward? A. I never heard about it afterward.

Q. And he lived several years, didn't he? A. He lived some time.

Q. He never came to you again about it? A. I don't recollect that he did.

Q. And you never heard anything about it in connection with Mr. Thompson? A. No, I never heard — relative to administration papers?

Q. Yes. A. No, sir.

Q. You never heard anything more about it? A. I heard this conversation.

Q. He didn't state to you what was the character of the dresses? A. No. I don't recollect that he made any such statement

Q. Of what kind of material they were? A. No, sir.

Q. He didn't state anything about what the amount of jewelry was? A. Only one ring, particularly.

Q. He didn't state anything about the amount of money? A. About one hundred and fifty dollars, he said.

Q. About one hundred and fifty dollars? A. Yes, sir. He stated about the money and the wearing apparel. When he came to me, he said that he had been up there, and he could not obtain these articles; that he could not do anything. Mr. Thompson suggested —

Q. Well, I don't think it is fair to say what Mr. Thompson suggested. Now, did you make any memorandum of this business? A. I did not.

Q. How long ago did he die? A That I don't know. I know he is dead; but how long ago he died I don't know.

Q. Did he say anything about a bank-book? A. No; I didn't hear him say anything about a bank-book, to my recollection.

Q. (By Gov. Butler.) I want to ask you, — you were about to say something about his describing the property — A. I don't know as he described any property; but he spoke about two dresses.

Q. But you were about to say something when Mr. Brown interrupted you; what was that? A. That was in regard to the question of authority, whether he had the right himself to go and demand anything of that kind from the superintendent of the almshouse, and Mr. Thompson suggested that that was not the proper course for him to take; that the proper course would be for him to be appointed administrator, and then he would be clothed with some authority.

Q. Very well. Now, did he say anything about what kind of a ring this ring was? A. He said it was a gold ring.

Q. But whether it had any value as a gold ring? A. Well, he stated that it was a gold ring, and he presented his finger to show about where she wore it. I don't recollect particularly about his describing it any more than I have stated. All I can recollect about it is that it was a gold ring.

Q. (By Mr. Brown.) A single question. At that time,

did you have any official connection with the overseers of the poor of the city of Gloucester? A. Not at that time.

Q. Have you ever had? A. I have been on the board seven years.

Q. Did you ever have occasion to know that Ellen Allen was an applicant for aid in the same year she went to Tewksbury? A. I did not. I was not on the board at that time.

Q. When did you leave the board of overseers of the poor? A. I left the board when I was appointed collector of the port.

Q. (By Gov. Butler.) When was that? A. I was appointed in 1861, under President Lincoln.

Q. (By Mr. Brown.) Did you ever see this Ellen Allen? A. I never saw her, to my recollection.

Testimony of W. L. Richardson (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. W. L. Richardson.

Q. What is your business? A. Physician.

Q. Are you connected with the Harvard Medical School? A. Yes, sir.

Q. In what way? A. Assistant professor of obstetrics.

Q. How long have you held that position? A. I have held that position about a year and a half, I should think. I was instructor in obstetrics before that.

Q. How long were you instructor in obstetrics? A. I think it was about 1872 that I was appointed *pro tempore* for about two years, and then was made permanent.

Q. When did you graduate at the Harvard Medical School, if at all? A. In 1867.

Q. Well, now, from 1870 down to the present time, have you been continuously connected with the Harvard Medical School? A. Since 1872, I believe it is, I have been there continuously.

Q. Were you not in 1870 and 1871? A. In Boston?

Q. Were you connected with the school at that time? A. Not officially.

Q. Well, were you there frequently? A. Occasionally.

Q. How frequently? A. I could not say; it was merely accidental my being there.

Q. Now, were you acquainted — do you know Dr. John Dixwell? A. Yes, sir.

Q. How long have you known him? A. Well, I went to school with him. I went to school with him in 1859; that is where I first knew him. Then I didn't know him again until he was in the medical school.

Q. Did you know him in the medical school? A. Yes, sir.

Q. How intimately? A. Not intimately, except as a student.

Q. Now, doctor, did you ever, in your experience at the medical school as a student, as an instructor, or in any relation which you have sustained to the medical school, or during 1870 and 1871, when you were visiting the medical school, ever see an infant — a baby — in the dissecting-room, for the purposes of dissection? A. No, sir.

Q. Were you acquainted, and were you familiar, with this little room where the janitor kept the bodies prepared to bring into the dissecting-room? A. Yes, sir.

Q. And, during your relation to that school, prior to 1876, say, did you ever see a baby in that room? A. No, sir.

Q. How frequently have you looked into it? A. But very seldom. I don't know that I ever looked into it more than half-a-dozen times in my life.

Q. Now, doctor, when was the first time, and for what purpose, that you knew that babies were brought to that medical school for any purpose connected with the study of medicine? A. I cannot say exactly, but I should say six or seven, or seven or eight years ago.

Q. What was the purpose for which they were brought? A. Can I go into an explanation?

Q. Yes, sir. A. It was when I was first permanently appointed there, and I suggested the idea of giving a practical course in operations connected with obstetrics, such as I had seen abroad. And for that purpose I wanted the bodies of babies to illustrate that course. And that year, whenever it was, seven or eight years ago, I asked the demonstrator to supply me with five or six babies for the course, which usually came in February or some time during the winter. And I, from that time on, have had from four to six or seven babies each year.

Q. What was the age of those babies? A. Well, I could not say: but what I wanted was still-borns, or those that died within a day or two. It was just to illustrate the baby at birth, that is all.

Q. Well, now, doctor, you are familiar with the dissecting-room, and with the dissecting of human bodies, I suppose? A. Yes, sir.

Q. Is there any value to a baby for the purposes of dissection, and if so, what is it? A. Well, practically, I suppose, they would be of some value for certain studies with which I am not familiar — the nervous system. But for general anatomy, for the purposes of the student, or for the purposes I studied anatomy, I should not think they would be of any value; at least, I never saw one used.

Q. What time in the course at the medical school does a student dissect most? A. The first year.

Q. And it is only in these special cases that you think a baby would be of some value? A. Some physician might use them in making some special study of the nervous system, but I don't believe the student, as a student, would know enough to go into that subject. It would be some special work; some special investigation.

Q. So that you think they would be of no value for the ordinary purposes of the student? A. No, sir.

Q. In connection with the studies that one would pursue at the Harvard Medical School? A. No, sir.

Q. And you are familiar with the course of medical instruction in 1870–71–72 and, '73, I suppose. A. Yes, sir.

Cross-examination by Gov. Butler.

Q. Doctor, can you tell me whether the Harvard Medical School has got any books? A. Yes, sir; yes, sir.

Q. I don't now mean books of surgery and anatomy, or clinical science generally, but I mean account-books? A. Not that I know of.

Q. You never saw an account-book there? A. No, sir. I suppose the University has its treasurer's account.

Q. I mean, leaving out the University? A. No, sir; not that I know of. I am not connected with the anatomical department.

Q. Then you don't know any more about the accounts than you do about the babies? A. No, sir.

Q. And they are likely to have one or the other, as far as you know? A. Yes, sir.

Q. Well, now, then, doctor, can you tell me this: where did you get your babies from when you needed them? A. The

demonstrator of anatomy gave them to me, or they were laid out for me at the lecture-room.

Q. The demonstrator of anatomy; who was he? A. Well, it varied. It was Dr. Porter when I first began, and afterwards Dr. Beach, and then afterwards Dr. Porter, and this year Dr. Morris Richardson.

Q. Well, now, doctor, I want to get a little at the knowledge that the student obtains of the different parts of the system. A student comes there. Necessary to the examination, necessary to his completing the course, how much should he have dissected? A. I believe, sir, that he is obliged to dissect three parts of a body; a leg, an arm and a head, I believe.

Q. A leg, an arm and a head? A. I am saying what my belief is, because I am not connected with that department.

Q. But sometime, I understood, you were there yourself? A. Yes, sir; I was there before the medical education was reformed. When I was there you could get through very easily, and we didn't have to dissect anything if we didn't want to. I myself dissected two parts; a leg and an arm.

Q. When was this reformation in the Harvard Medical School? A. I should think six or seven years ago.

Q. Then there was the requirement of certain elementary knowledge, and also certain actual knowledge? A. That, I think, Governor, only came about two years ago. There have been gradual changes. That came about two years ago, the examination for admittance.

Q. Then up to about two years ago everybody and anybody could go to the Harvard Medical School by just paying their fees? A. I think so, sir; I am not familiar with the requirements.

Q. But pardon me; don't excuse yourself. Mr. Brown has brought you here as the man who knew all about it, I suppose.

Mr. Brown. Oh, no.

Gov. Butler. I don't know what else he is brought here for.

Q. (By Gov. Butler.) There might have been, so far as you know, in 1870, any number of infants, — I don't say on the dissecting-table, mind you, — but any number of infants in the dead-house without your knowledge? A. Yes, sir.

Q. (By Mr. Brown.) You had nothing to do with that; you were not demonstrator of anatomy? A. No, sir.

TESTIMONY OF RICHARD M. HODGES (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Richard M. Hodges.

Q. What is your business? A. I am a physician in Boston.

Q. Were you in 1858, 1859 and 1860 connected with the Harvard Medical School? A. I was, sir.

Q. Are you familiar with the plan of the Harvard Medical School at that time? A. At that time.

Q. The position of the dissecting-room? A. Perfectly.

Q. Did you know of the existence of a vault there into which parts of the remains of the persons dissected were put? A. I did, sir.

Q. Was that vault in any way connected with tide water? A. Tide water surrounded it.

Q. Well, did the water flow into that vault? A. In a measure.

Q. Did. When was that change made? A. What change, sir?

Q. Changed from that position.

GOV. BUTLER. He don't know that it was changed.

Q. (By Mr. BROWN.) Has it been changed? A. I am not aware.

Q. That was over tide water at that time, — the dissecting-room? A. No, sir; it was down below the water. It was a tight vault, as tight as masonry could make it. It went down into the mud, the ground underneath the water, on to the bottom of the level of the water, below low water mark.

Q. Now, the dissecting-room was over the water? A. It was, sir; on piles.

Q. Since 1859 or 1860, somewhere along there, that whole territory has been filled? A. Yes, sir.

Q. And the vault has remained there the same? A. Well, sir, I cannot tell you about that, because I am not familiar with the filling which took place.

Q. You say this vault was made as tight as masonry could make it? Just describe how it was constructed. A. I cannot do that in detail, sir, because I only know it was a tight, masonry vault.

Q. What was your connection with the school in 1858, 1859

and 1860, if any? A. Well, sir, I suppose I was demonstrator in anatomy; indeed, I know I was.

Q. And the demonstrator of anatomy has charge of the bodies to be used for purposes of dissection, does he? A. That is part of his business.

Q. And you had under you a janitor, had you? A. In some sense; yes, sir; a man who was a helper to me as well as to other people.

Q. When did you cease to be demonstrator of anatomy? A. Well, I cannot tell you exactly, sir; but somewhere about 1862 or 1864.

Q. Did you have any official connection with the Harvard Medical School during the years 1870, '71, '72 and '73? A. I had official connection with the school up to 1872. In 1872 I resigned.

Q. During 1870, '71 and '72 were there any babies brought to the Harvard Medical School, within your knowledge, for the purposes of dissection? A. Not within my knowledge.

Q. Were there for any purpose that you knew of; if so, for what purpose? A. I mean not for any purpose within my knowledge.

Q. Not for any purpose whatsoever? A. Not for any purpose whatsoever.

Q. Did you ever see a baby in that dissecting-room at the Harvard Medical School, at any time during your connection with it, for the purposes of dissection? A. Well, I presume I have, some, but I could not swear to the fact.

Q. What, if anything, is the value of a baby for purposes of dissection? A. It is very trivial.

Cross-examination by Gov. Butler.

Q. Dr. Hodges, do you remember the testimony about the vault that Dr. Webster tried to get into to dispose of the remains of Parkman? A. I remember it in a general way, sir.

Q. Was that the same vault? A. The vault he tried to get into? I don't know anything about the vault he tried to get into. I only know the vault that was mentioned in connection with the Dr. Webster trial.

Q. Well, what vault was that? A. That was the same vault that Mr. Brown has alluded to.

Q. And that you have alluded to? A. And that I have alluded to.

Q. And you said that the vault had connection with tide water in some degree; what did you mean by that? A. I mean that it had it to the extent that any, that almost any masonry structure would have that was surrounded by water. The water filtered through the cracks, — leaked through.

Q. By masonry, do you mean it was what we call rubble wall? A. Oh, it was a tight wall. It was as tight as ordinary masonry would make it.

Q. Ordinary masonry, with cement to make it water tight; but it was laid up rough, simply as a vault? A. I cannot tell you as to the details of its construction.

Q. Well, the water did get into it? A. The water got into it; yes, sir.

Q. What was it built for? A. The vault was constructed at the time the building was constructed, for the purpose for which it was used.

Q. We haven't got the purpose for which it was used. A. I thought that was stated.

Q. What purpose? That is what I want. A. For the purpose of depositing the remains of bodies from the dissecting-room.

Q. Was there a trap to it? What sort of an entrance was there to it? A. There was a bulk-head built up around it, at the top of it.

Q. In the dissecting-room? A. No, sir. In the passage-way leading to the dissecting-room, and that was at the end of the passage-way.

Q. Well, now, then, this being for the deposit of the dead bodies when they were dissected, the dead bodies on the table being dissected, the debris we will say, the things that are not valuable, were thrown into it. Was that first taken on to the tables and then from those into the buckets? A. Some of them; yes, sir.

Q. The same receptacle? A. The same receptacle.

Q. They were put into movable receptacles, buckets, or a bucket, or whatever it may be, and then were those buckets taken and emptied into the vault? A. I take it that is the system, sir. That is done by the janitor, and not by the demonstrator, so that I am not familiar with the details of the work.

Q. Yes, it would be done by the janitor. And it would be emptied into this vault, wherein the tide flowed in some way.

What would be done with it there after it got into the vault? A. It would undergo still further decomposition, I suppose; it must.

Q. There it was left to decompose away, was it? A. That is the supposition.

Q. That is what it was intended it should do. Then, after awhile the vault would get full; was there any means taken, by means of lime or chemicals, to decompose it? A. At times such agents were used.

Q. To decompose it? A. And at times the vault was cleaned out, as other cess-pools and receptacles are.

Q. Was cleaned out? And that, during all your knowledge of the school, was the condition of things? A. That is, so far as I know.

Q. You don't know of any change from that? A. Yes; I should correct my statement, because, during the period of my connection with the school, that vault was disused: the use of it was discontinued.

Q. When was that discontinued? A. That I cannot tell you; I don't recollect the date. It was discontinued during the filling in of the ground around it.

Q. That is to say, the filling in of the ground around it prevented the tide water from washing it? A. It not only did that; I cannot tell you any other motives — I don't know the motives that led to its discontinuance altogether, but I know it was discontinued.

Q. Was not that question, whether it should be discontinued, under the control —? A. I could not testify as to motives.

Q. Excuse me. Just hear my question, and perhaps you can. My question is, whether that was not under the control of the demonstrator of anatomy? A. Not at all, sir.

Q. Who had this control? A. The governing authorities of the college.

Q. Who were the governing authorities of the college? A. If my memory serves me right, there was what was called a committee on building, — not a building committee, but a committee on building, — who would have charge of these things, repairs, etc.

Q. What I want to get at is the man who had charge; who said, "I want this." "I want this building discontinued," or "this made," or "this changed," or "the other changed."

Now, who was that officer? Because I want to follow the officer. A. That is a question I am unable to answer.

Q. You don't know, then, who had charge of the building, and the general charge of carrying on the building and taking care of it — not looking after it as a janitor would, but looking after its erection and alteration? A. No, sir.

Q. You don't know? Is there any secrecy about it? A. Not at all: only it is mere — you can easily understand that it was in the hands of a committee; who the members of the committee were I cannot tell — committee of the faculty, I mean.

Q. I understood it was in the hands of a committee of the faculty, but I also understood it was in the hands of somebody to instruct the faculty what they wanted. Now, suppose they wanted a change. Suppose you wanted a new dissecting-table,— the other one is broken down, and you were there as an official,— would you have gone to the committee and said, "We must have a new table?" A. I should probably have gone to the professor of anatomy, as being my superior.

Q. Now, doctor, how many students did you have there? A. From 175 to 250, to the best of my recollection.

Q. About how many parts of a body did each student dissect to make himself properly familiar with the human frame, according to your understanding of it? A. You mean how many did he, on the average, or how many should he?

Q. How many should he; yes, sir. A. Just as many as he could.

Q. And the more the better? A. The more the better; yes, sir.

Q. Well, now, doctor, did the students ever take home parts of a body to dissect? A. Portions; not parts in the technical sense.

Q. For instance, I should say a leg was a part of a body. Technically, perhaps, that would be wrong; but I am now speaking to the comprehension of common people. They would take away portions of a body? A. Yes, sir.

Q. And pursue their studies at home in that way. Well, now, such a portion as a leg or an arm? A. Hardly.

Q. It would be troublesome? A. It would be too large and troublesome.

Q. Now, is there anything that you know of in the human

frame of the same sex that is not in a year-old baby? A. Yes, sir.

Q. What? A. There are various parts of the anatomical conformation.

Q. Won't you to be kind enough to give me some of those that in a full-developed year-old baby are not there when they are in a man — I mean the germ of it. A. You alter your question.

Q. No, sir: I don't. A. Well, I undertand it differently, then. In a baby, a year-old baby, there are the residue of various conditions which belong to its fœtal existence, which disappear almost completely, often wholly, — in some instances wholly, as far as ordinary examination is concerned, — in the adult.

Q. Pardon me. I didn't ask you whether the baby had any more than a man, because I suppose they do if they have some residuum of the fœtal existence; but I ask you what part a man has that a baby has not, either in the small or little. I take it the baby hasn't cut its eye-teeth — A. Well, is this an anatomical examination, I am to undergo?

Gov. Butler. No, sir. It is just such an examination as I choose to make.

The Witness. Unless I should be compelled to answer that question, I should decline to answer.

Gov. Butler. Well, I only want to know now what part; what there is lacking in a year-old baby that can be found in a man.

The Witness. I appeal to whoever is conducting this examination, whether I shall be compelled to answer.

The Chairman. I think it is a proper question.

Mr. Brown. I have no objection.

The Witness. I only want to know if I am to undergo an anatomical examination here, sir; because I am not prepared for an anatomical examination.

Gov. Butler. You are too modest by half. I will be very frank and say what I want. The question I asked is this: A student would carry home a leg. We have been told he did, and that means a divided part.

The Witness. I beg your pardon; I have not been asked any such question as that.

Gov. Butler. I say we have been told that.

The Witness. I thought you said I had said so.

Gov. Butler. No, sir; I say we have been told so. And you have told us it was inconvenient. Now a student has to see all parts of the human frame. Couldn't he find all these parts in a well-developed baby?

The Witness. I answer that question in the negative, sir.

Q. What one wouldn't he find? A. Well, the muscles and every part of the body are so feebly developed that it is impossible to identify them, and to distinguish them and separate them. They are soft. The half-developed character of the tissue makes it impracticable to study the human anatomy on a baby, except to a very limited extent.

Q. They are all there, aren't they, in an undeveloped state? A. Well, yes, sir.

Q. Very well. He could find the structure of them; he could find it in the little instead of in the large; that would be about it, wouldn't it? If he could find it in the little, he could find it in the large. Couldn't he find it in the little? A. He might not, and probably would not be able to. It would require much more skill than is possessed by the average medical student to find it, even if it could be found by anybody.

Q. Now, have you ever dissected a baby? A. I have, sir.

Q. Where? A. I have dissected them in the medical school building.

Q. In Harvard? A. Yes, sir.

Q. When? A. While I was a demonstrator, and while I was —

Q. A student? A. A professor.

Q. And when a student? A. I don't think so.

Q. Do you know whether you did or not? A. I could not swear positively to that, sir.

Q. You won't swear you didn't? A. No, sir.

Q. Very well. How early? When did you go there as demonstrator? A. In 1854.

Q. Did you hear in brother Brown's opening that there never was a baby in that medical school until 1876? A. I did not, sir. I told him I answered his question that I never saw a baby in the dissecting-room.

Q. Now I understood there was not any in the institution. And you have told me that you dissected a baby in 1854? A. No, sir; I beg your pardon; I didn't say so. I say I was demonstrator in 1854; that I commenced to be demonstrator.

Q. How early did you dissect one? A. I could not answer that question.

Q. About how early? A. I may have when I was a medical student, but I have no positive knowledge about it.

Q. If you dissected it, where did you get it? A. I didn't get it. I never had one in my possession, never, as demonstrator or medical student. I dissected it under the supervision and direction of my professors and instructors. Whenever I did it they were always infants brought there on account of some deformity, malformation, or some extraordinary exceptional features of their development; monstrosities, so called.

Q. Where did you dissect them; in private? A. In the private professor's room; in the demonstrator's private room.

Q. And all curiously formed babies that you could obtain, that had malformations or deformities of any sort, were brought there for dissection if you could get them? A. They were occasionally brought there; I don't say they were all brought there.

Q. Who was your janitor in those days? A. Well, in those days there were several successive janitors. There was a man by the name of Andrews, another by the name of Waterhouse, another by the name of Whitten, and another by the name of Littlefield.

Q. Littlefield we have heard of; that was when? A. That was in 1850.

Q. Well, doctor, what advantage is there in dissecting a malformed baby, when you could not find out anything about it, you know, it being so small? A. You can find some things about it, sir. I did not say you could not find anything about it. I don't think that is my answer to your question.

Q. Very well; when you could not find anything of any considerable value because of its being so small? A. Value for purposes of dissection, you asked me, sir.

Q. Yes, sir. A. But it becomes a matter of great interest as a matter of science and of studying the minutest details of the development of the human form, and their arrests of development.

Q. It becomes of very great value to science. How would it do that? A. In the study of the arrest of development, because it teaches the method by which the body is developed.

Q. You would not blame a student if he had curiosity enough to look into that? A. I should applaud him.

Q. And you would think very well of the student who should buy a baby from the janitor, if he could get one, or an infant, carry it home and examine it carefully? A. I should think he was a lucky fellow.

Q. He had met with a piece of good luck. And you think he would prefer, if he could, to take it home, instead of a portion of a leg or an arm? A. I don't know about that, sir, because they each have their separate value. It is a question of which is the most valuable.

Q. But I am talking about taking the one home or the other. A. I say it might be of more value for him to dissect the hand of an adult than it would be to dissect the whole of a fœtus of a young baby.

Q. But he would not dissect the hand of an adult unless he cut it off at the dissecting-room, whereas he might take a baby to his own room? A. He could take a hand home, and it would be much more convenient.

Q. If he got it. But, doctor, I don't quite understand you. You say there is no value in having a baby dissected, and you say that the man who got one, and carried it home, is a lucky fellow. What is the luck? A. Well, the apparent inconsistency there, is not so very great, I think.

Q. I don't think it is myself. I think, when you come to think of it, you will see that the inconsistency appears from its being of so little value? A. But still that little value amounts to something, in a matter which is so precious as anatomical material, and so difficult to obtain.

Q. Now, doctor, I want to ask you another thing: whether there was not a continual dearth of anatomical material, bodies, cadavers of all sorts? That is, you could not get as many as you wanted? A. No, sir; that is a dearth that exists all over the civilized world where anatomical studies are pursued.

Q. I only want to know whether there was a market for all that was brought? A. Yes, sir.

Q. That is all upon that matter. Now, doctor, you were demonstrator of anatomy, and you have told us what was done with the remains. The putting of the remains into such a vault as you have described, where they are burned up with lime or other chemicals, such as they may be, and then the remains being disposed of as the contents of any other cesspool would be — do you call that a decent burial of those remains? A. I

should not apply that term to it; I don't apply the word burial to it.

Q. I know you haven't, but I am going to ask you: can you in any honest sense of the word say that that is a decent burial of those remains? A. I don't consider it a burial at all.

Gov. Butler. No burial at all, decent or indecent. The statute under which you get these bodies at all is this:

"Every physician or surgeon, before receiving any such dead body shall give to the board of officers surrendering the same to him, a sufficient bond that each body shall be used only for the promotion of anatomical science within this state, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently buried."

Q. Now did you know that Harvard College — anybody, you or anybody else, had given a bond to insure that being done? A. I have no knowledge of it, sir.

Q. Had no knowledge of it. Did you know, until this investigation commenced that there was any such bond required? A. I knew it was required under some circumstances, but I did not know it was required under all circumstances, and I do not know that it is now.

Q. Well, under all circumstances, where you get bodies from almshouses or public institutions, it is required. A. I am ignorant of that; I don't know these facts.

Q. Now didn't you know that those bodies came from Tewksbury? A. Well, I knew that some of them did, but they came also from places besides Tewksbury.

Q. I have no doubt they did. Tewksbury and Rainsford Island were two State almshouses, at that time. Did you ever know of them coming from elsewhere except Tewksbury and Rainsford? A. I suppose I may at the time have known in a general way, but I cannot now recall anything more than the general fact that anatomical material was received from various sources.

Q. Rainsford Island was one of them; that was a State almshouse, and Tewksbury was another? A. My impression is that Tewksbury was not in existence during part of the time that I was demonstrator.

Q. Oh, yes: Tewksbury was built in 1853, or immediately after 1853; that is, very soon — as soon as it could be. I think in 1853 the alien commissioners were organized by the law of

1853 — 1852 or 1853. Well, did you, during all your time in the Harvard Medical School, as demonstrator of anatomy, or otherwise, or as a student, ever know of any remains being, in the language of the statute, "decently buried"? A. I have, sir.

Q. Of these remains? A. Do you mean the remains obtained from almshouses?

Q. I mean the remains we are talking about? A. Yes, sir; they were buried after the disuse of the vault.

Q. What, sir? A. After the vault which we have been speaking of was abandoned, the remains were, to the best of my belief, decently buried.

Q. Pardon me; I asked for your knowledge, and not for your belief? A. Well, then, my knowledge, of course, is not actual knowledge; but going back almost thirty years, it is not very different from my belief, because I would not recall it only in a general way.

Q. You cannot tell me when this change was made? A. I could not tell you the year in which it took place.

Q. You know the change which took place by the filling? A. I know the change took place, and during the change the remains were disposed of otherwise.

Q. But up to that period they were not buried at all, any of them? A. I don't know that they were.

Q. Well, now, did not this change come from the fact that you could not have them there, the odor of decomposition coming right up into your room after the filling was done? A. That was the reason of its disuse.

Gov. Butler. When that was you cannot tell me. I believe I shall not have to trouble you any more.

Q. (By Mr. Brown.) If I understand it, your belief is that this vault was tight, except as the water percolated through the brick or the masonry? A. That is so, sir; I believe it was practically as tight as masonry could make it.

Q. Of course water will percolate through bricks? A. Most any bricks. You cannot make any vault absolutely tight, except as an engineering feat.

Q. You say you cannot remember the year, but it was a good many years ago that the change was made. How many years ago; twenty? A. About twenty.

Q. About twenty years? A. Yes, sir; I think so.

Q. So that during the last twenty years, within your knowl-

edge, according to your best information and belief, the remains have been decently buried? A. That is so.

Q. What you have said in regard to that knowledge applies to the period prior to the disuse of this vault, which you think was twenty years ago. Now, His Excellency has called your attention to something I said in my opening, and I will ask you a question. Did you ever see a baby in the Harvard dissecting-room for the purposes of dissection? A. To the best of my knowledge and belief, I never did.

Q. And the only babies you ever saw at the institution at all, for the purposes of dissection, as I understand, were some monstrosities which were brought in and left with some professor or demonstrator, to be examined by him privately in his room? A. And by myself or others under his direction.

Q. And that is the extent, to the best of your information and belief, to which that business was ever carried on prior to the time when babies were introduced for special courses?

Gov. Butler. I object to his belief. Any information he has I don't object to.

Q. (By Mr. Brown.) Well, I will say according to your information, and leave out your belief. You have no information, no knowledge that they were ever used, except as you have stated, in the case of monstrosities, and except in the lectures on obstetrics.

Gov. Butler. Oh, no; he don't say lectures on obstetrics at all.

Mr. Brown. I know he don't, but I ask the question.

The Witness. I don't know that they were used before that in my day.

Q. You recollect when they were first used for that purpose? A. No, sir.

Q. You were not officially connected with the college since when? A. Since 1872.

Q. Dr. Richardson, who has testified — his official connection commenced since that time? A. I don't know when he began, sir.

Q. A single question I want to ask you that I omitted. Did you know Dr. Warren, who died a number of years ago, and whose body was given to medical science? A. I did, sir.

Q. Well, he was a prominent physician here in Boston, was he not? A. He was, sir.

Q. And a very distinguished physician? A. He was an eminent physician, sir.

Q. How frequently have you seen his remains hanging up in the medical school? A. Well, I suppose I might answer that by saying I never saw them hanging up in the medical school.

Q. How frequently have you seen his skeleton there? A. They were under my care and charge a number of years, and so, of course, it happened to me —

Q. Is there anything there except his skeleton? A. No, sir — Well, yes; there are some other parts of his body.

Q. Do you know what other parts? A. I know one part; I don't know any part of his body except his skeleton.

Q. Except his skeleton, and that is there under the provision of his will to be exhibited? A. No, sir; it is not a provision of his will; it has never been exhibited. It is kept in the most strict and solemn privacy.

Q. But it can be seen if any one desires? A. It can be; yes, sir.

Mr. BROWN. And is there for that purpose.

Q. (By Gov. BUTLER.) I am much obliged to my brother Brown; I supposed it was hanging up there and swinging in the wind to be seen by anybody. How is it kept, sir? A. It is kept locked up in a case in a private room.

Q. What sort of a case? A. Well, it is the conventional case in which skeletons are hung; it is like a half section of that bookcase for instance, without any glass in front of it.

Q. And there, you say, it is, as it ought to be, reverentially and properly preserved, and not used as a matter of idle or common curiosity, is it? A. No, sir.

Q. And that was in accordance with the provisions of his will, was it not? A. So I always understood.

Q. So you understood. And the fact of his being willing to devote his body to scientific purposes was made a matter of much comment, almost the world over, was it not? A. Well, I don't know, sir.

Q. Didn't you hear of it? Don't you remember of having heard of it? A. Of course I heard of it, because I was there.

Q. I mean it went into the magazines, and into the papers? A. Probably it struck outsiders more than it did me; they would remember it when I should not.

Q. Well, there was a very different treatment of these

remains than throwing them down into a cess-pool? A. I have just stated, sir, that they were put into a case.

Q. And he had given his remains for the purposes of science, and the remains of these poor men, who have equal rights with him to this body, were treated in the other way; that was so, was it not? Think, doctor. One man had given to the college his remains to be treated for the purposes of science, and another man had gone into his grave hoping that his body would be undisturbed, and that was taken away from him and brought there, and his remains were thrown into this hole that you tell us about, this pit; and the man who gave his body to science, while not decently buried, is still reverently kept. That is so, is it not, doctor? A. You state it as a fact, sir.

Q. Do you assent that I have got it right? Do you want to contradict any part of it? A. I have not anything to contradict.

Gov. Butler. I am very much obliged to you.

Dr. John Foster Bush (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. John Foster Bush.

Q. And your business is that of a physician? A. Yes, sir.

Q. And where is your residence? A. Nine, Park Square.

Q. How long have you been a physician? A. I am in my ninth year of practice, — graduated in 1874.

Q. Did you graduate at the Harvard Medical School? A. Yes, sir.

Q. When? A. In 1874.

Q. Did you know Dr. John Dixwell at the Harvard Medical School? A. Yes, sir.

Q. Were you in the dissecting-room with him? A. Portions of the time.

Q. How intimately did you know him? A. I used to see him frequently.

Q. Were you ever in the same squad, as you might call it, dissecting? A. No, I never was on the same subject with him.

Q. Never was on the same subject with him; how frequently have you been in the dissecting-room when he has been there working? A. Well, the first year I was in the school, I was there a good deal.

Q. A great deal: and saw him there a great deal? A. Yes, sir.

Q. How about the other years? A. I didn't go into the dissecting-room very much after the first year, after I had passed my examination in anatomy. I went occasionally, but not as a general thing.

Q. Have you known Dr. Dixwell since his graduation? A. Yes, sir.

Q. Seen him more or less every month or every year? A. No; I have seen him occasionally. I don't think I have seen him for some time.

Q. Now, sir, while you were in the Harvard Medical School and while Dixwell was there, did you ever see Dixwell dissecting an infant? A. No, sir.

Q. Did you ever see an infant in the dissecting-room of the Harvard Medical School? A. No, sir.

Q. During your entire course? A. No, sir.

Gov. Butler. I can save you, probably, any trouble upon that: putting so many questions upon that; I don't claim that they were.

Mr. Brown. Don't claim what?

Gov. Butler. I don't claim they were used in the dissecting-room. Of course they would not be. That is the ground I shall take.

Mr. Brown. Dixwell says they were. Now, if you say Dixwell is wrong, I am satisfied to leave it.

Gov. Butler. Oh, no; oh, no.

Mr. Brown. But Dixwell says that they were, and that he saw from two hundred to three hundred in a single year in the Harvard Medical School.

Gov. Butler. Yes, but not in the dissecting-room. He was true when he said they were in the Harvard Medical School, but they were not on the dissecting-table; that is the only difference between the two. Of course a student having to pay three dollars or two dollars for a part of a body to dissect, and having to pass his examination on that, would not have them on the dissecting-table. That was not the place where he took them. He says the students got them of this one-eyed janitor and carried them home, because they were more convenient; and he carried them home to his own dissecting-room and dissected them. And I called your attention to that early, don't you remember?

Mr. Brown. Yes; and I thought then you were mistaken, just as I do now.

Gov. Butler. All right.

Mr. Brown. And I will read, — I call the attention of the committee to the ninth page of the report. "Q. You were there three years. During that three years how many bodies of infants do you think you saw and knew of in connection with that school? A. Bodies of infants? Q. Yes, sir; young persons. A. Well, I saw several hundred a year, certainly. Q. Of what ages? A. All infants; all under a year. Q. Whether they were brought there from time to time? A. They were." And, then you will find in cross-examination that I called his attention particularly, and asked him —

Gov. Butler. Yes, I see it. He said he saw them in connection with that school: he did not see them on the dissecting-table, and there is no way of —

Mr. Brown. I don't propose to let you out on any such fine point as that.

Gov. Butler. I don't want to be let out.

Mr. Brown. He said he saw them in connection with the room of the janitor, where the bodies were kept, and the dissecting-room, and there was no other place in the institution where they could be, in connection with which they could be at all.

Gov. Butler. They were sold to the students by the one-eyed man who blew his brains out afterwards, for which I am very much obliged to him.

Mr. Brown. You mean to say, he said they were: I am going to show that that is false, for —

Gov. Butler. You threatened us all day Saturday: now don't threaten us to-day with what you are going to show, — show it.

Mr. Brown. The committee will notice in my cross-examination —

Gov. Butler. I understand this was an illicit traffic.

Mr. Brown. And do you claim that this dealing in infants was nothing except an illicit trafic?

Gov. Butler. And the big ones, too; yes, sir.

Mr. Brown. Oh, no; but I mean do you claim that the bodies of these infants that Dixwell describes, were used, brought there and used by Dixwell without the knowledge of the faculty of Harvard College?

Gov. Butler. No, sir.

Mr. Brown. Very well: then I don't see that your admission amounts to anything.

Gov. Butler. The difference is this, sir, that this was a traffic which was going on with the knowledge of the officer in charge, so far as to the janitor, who seems to be the only man who knew anything about it, so far as we have gone, and who was selling them to the students, and buying the little ones of Mr. Manning, just as Mrs. Manning said, only they were cheating Mrs. Manning out of the price of the little ones, — that is all.

Mr. Brown. No evidence to that.

Gov. Butler. Yes; this whole thing is illicit, illegal, unlawful, wrong and damnable. Now, let us not have any mistake about it.

Mr. Brown. In your opinion.

Gov. Butler. Yes, sir.

The Chairman. Near the bottom of the twentieth page, Mr. Brown, the third question from the bottom.

Mr. Brown. Yes, sir; I simply desire to call the attention of the committee to it; I can't think there can be any possible misconstruction.

Gov. Butler. Why don't you read it? The chairman called your attention to it, sir, and why don't you read it?

Mr. Brown. Because it is not necessary.

Gov. Butler. I see it is not.

The Chairman. And on the twenty-fourth page, also.

Mr. Brown. Perhaps if I should read it you would get up some new objection.

Gov. Butler. No, sir; I have no objection to having anything read.

Q. Now, doctor, I ask you again if in connection with that dissecting-room or any part of that institution, while you and Dixwell were there, you ever saw the body of an infant? A. Except some monstrosity shown to the class.

Q. Except it was some monstrosity exhibited to the class. Did you ever look into that room where the bodies were kept by Andrews? A. Yes, sir.

Q. Did you ever see an infant in there? A. No, sir.

Q. How frequently did you have occasion to look in there? A. The first year I was there I looked in frequently; I can't say the number of times, but quite frequently.

Q. The door swung open from the dissecting-room? A. Out from the dissecting-room.

Q. So, whenever that door was open, you could see readily? A. Yes, sir.

Q. And you never saw an infant there? A. No, sir.

Q. Did you ever have any knowledge, or ever hear from Dixwell that he was having infants to dissect during the time he was at the school outside of the school, in any way? A. I don't recollect that I did.

Q. Never heard any claim made by him to that effect? A. No, sir.

Q. At that time, what was done with the remains, so far as you knew? A. Well, when we got through with them we put them in the receptacle, and the janitor would take them off.

Q. And, in the process of dissection, of course you had to cut up the entire body? A. Yes, sir.

Q. Separate the muscles and tissues? A. Yes, sir.

Q. And as you took them off from time to time, what was done with them? A. We would throw them into the receptacle at each table.

Q. And then, within your knowledge, where were they put? A. The janitor said —

Gov. Butler. Never mind.

Mr. Brown. No, never mind what the janitor said.

The Witness. I don't know.

Q. Were they put first in the small buckets or pails, or something of that kind? A. Yes, sir.

Q. And then deposited in the larger receptacle, — that is what I want to get at? A. Yes, sir; these buckets.

Q. Do you know of any purpose for which an infant's body would be of value in the dissecting-room? A. No, unless, — except to show certain parts of the nervous system.

Q. Any other object for which you think they could be of use? A. I never dissected a baby, and I don't see what special advantage they could be to any one.

Cross-examination by Gov. Butler.

Q. Did you ever dissect an infant, monstrosity or other? A. I never dissected an infant; I have been present and seen the result of dissection.

Q. You have seen it when it was dissected? A. Yes, sir.

Q. Where? A. When I was in the hospital, sir. I remem-

ber Dr. Buckingham brought a child down, a still-born child, — I was in the hospital with his son, — and gave it to his son, and I was there when it was dissected.

Q. Ever see one anywhere else? A. Dr. Bradford had an infant that he dissected, and I saw the dissection of it.

Q. Where was that: at the city hospital? A. No, sir; that was in his office.

Q. Who was Dr. Bradford? A. He will testify next.

Mr. Brown. He will be a witness here.

Q. Undoubtedly he is a witness here; but what was his place? A. He was in Park Square, a neighbor of mine at that time.

Q. Will you tell me, — did you ever see an infant dissected anywhere else? I will come right to it, — now, sir, haven't you seen an infant dissected in the Harvard College? A. No, sir.

Q. In Harvard College medical school? A. No, sir; except as I say; except it was some deformity.

Q. I don't ask whether it was deformed: now, I want to know whether, — because I don't think, if you can't tell anything by dissecting an infant, I don't see why dissecting a deformity would help you out, as far as I can understand matters, — but I am asking you the simple question, did you ever see an infant dissected in any case whatever in the Harvard Medical School? A. No, sir: I never saw an infant dissected in the Harvard Medical School.

Q. Or any portion of it? A. No, sir; I have seen it after it was dissected, — as I say, a monstrosity, — but I never saw an infant dissected.

Q. You have seen it exhibited to the class? A. Yes, sir.

Q. And did the professor say whether he dissected it or not? A. I don't know; I don't think anything was said about it at all, — it was just shown and demonstrated.

Q. Was it recently dissected? A. Yes, sir.

Q. The soft parts exhibited? A. Yes, sir.

Q. Could not be preserved long, very well, I suppose? A. Oh, yes, they might be —

Q. They might be embalmed, but were not these — A. Preserved in alcohol.

Q. Didn't you understand they had been recently dissected, right there? A. Yes, sir.

Q. How many times have you seen that done? A. I could

not recall, sir; anything of pathological interest that a practitioner outside has, he sends it to the school.

Q. Undoubtedly, that is the reason it was done; now, I want to know how many times it was done. A. I could not recall, sir.

Q. Would you swear it was not done twenty? A. No, sir; I would not. It is a thing I have not burdened my memory by, and I would not say the number. I have seen it a number of times.

Q. You can't swear to the number: but if I said it was a hundred a year, you would say it was not, in an instant? A. It would be guess work on my part.

Q. Hardly guess work; you know it was not done a hundred times? A. I don't think it was.

Q. Now, is there any place between a hundred and one where you can say you know it was not done so many times? A. No, sir; I cannot say.

Q. Now, then, about this room; I am glad to get a man who can give me an intelligent description of this room that seemed to be in the care of the janitor. Who was janitor when you were there? A. Andrews was janitor when I was dissecting, sir, and I think, — yes, he was janitor there all the time.

Q. All the time when you were dissecting. Very well, sir; how large was this janitor's room? A. Well, it was at the end of the dissecting-room, — say, draw a line from that chimney, where it comes out, to half-way in the middle here; square it right off there; not so high as that, but about that. Of course I can't give it exactly.

Q. Were there shelves to lay the bodies on? A. Yes, sir; on the side; two tiers.

Q. How many tiers of them? A. Two tiers.

Q. Go clear around the room? A. No, sir, on the side: one side.

Q. On how many sides? A. On one side.

Q. On one side of the room. Any boxes or trunks or receptacles in there of any sort? A. No, sir; I don't remember of seeing any receptacles there: nothing but bodies.

Q. Any barrels? A. No, sir; I don't remember of seeing any barrels.

Q. Or casks? A. No, sir.

Q. Well, but bodies frequently came, I suppose, in pickle,

preserved? A. I never saw any bodies for dissection that were pickled, sir.

Q. You never saw them? A. No, sir.

Q. How many bodies did you ever see there at one time, in that room? A. I could not tell you.

Q. About how many? A. Well, most of the bodies I saw, as soon as they came would be put on the dissecting-room tables. When I was there, there was a dearth of material and a comparatively few kept there.

Q. Did you see any of them in the room till they were brought out again? A. Yes, sir; sometimes.

Q. See more than one at a time? A. Yes, sir; I remember of going in there when I first went into the dissecting-room, when the parts were first given out, and seeing quite a number, but I could not say how many.

Q. Quite a number. Do you remember of seeing more than one at a time any other time? A. All I remember is I used to go in there occasionally; I could not say as to the number of bodies I had seen there, sir.

Q. Females come for dissection? A. Yes, sir.

Q. Long hair? A. Yes, sir.

Q. And did that add to the value of the head part? A. No, sir.

Q. What? A. No, sir.

Q. Wasn't the student who got a head part, or the students who got the head part, thought very lucky if they got one with good long hair? A. I never heard of it, sir.

Q. Now, wa'n't the hair ever cut off? A. I don't remember.

Q. You don't remember. Then you don't remember whether there were any long-haired ones? A. Yes; I remember I had one head with long hair, of a female; but I only dissected one head; that is all I know.

Q. That is all you know; about one head? A. Yes, sir.

Q. And you don't know where that came from? A. No, sir.

Q. Now, I want to ask you, doctor, whether you were ever over to Dr. Dixwell's house? A. No, sir; in Cambridge, you mean?

Q. Yes. A. No, sir.

Q. Did you ever hear him say anything about having a dis-

secting-room there? A. He said he had a place where he dissected.

Q. That is a dissecting-room, I suppose? A. Yes, sir.

Q. Did you hear it when he was in college with you, in the school? A. No, sir; I think I didn't hear it when I was dissecting. I don't remember when it was I heard of it, but Dr. Dixwell didn't tell me, — some of his friends.

Q. About the time you were there at the college you think you heard of it? A. I don't remember whether it was when I was at the college or at the hospital, sir.

Q. One or the other; it was some years ago? A. Yes, sir.

Q. You have been asked, — now I want to know about these receptacles. These receptacles were simply, — the first ones they went into, — was a simple, honest water-pail, wasn't it? A. It was a pail; yes, sir.

Q. A pail such as they carry water in, — pail is a shorter word than receptacle, — this pail was under the table, and you took the parts that were cut off and threw them into the pail, and then the janitor took the pails containing this material and did what he pleased with it, didn't he? A. Yes, sir; as far as I know.

Q. So far as you know and only; when you came there again to dissect you found the pails ready, empty, for something more? A. Generally; yes, sir.

Q. What he did with it you don't know? A. No, sir.

Q. Do you know of any other place at that time to keep that, except the pails? Where could it be put, as far as you know? A. I don't know, except as he told me: I don't know.

Q. Did you see any such place? A. No, sir.

Q. Whether there was or was not a vault outside, you don't know? A. I don't remember.

Q. You don't know anything about that. You have known Dr. Dixwell, I suppose, ever since he came out of college? A. Oh, yes; see him occasionally, sir.

Q. Has he been a practising physician in Boston, or surgeon? A. Yes; he has a sign out.

Q. What? A. He has a sign out.

Q. He has a sign out, you say. Has he been a surgeon of some city institution? A. No, sir; he has been, — he is one of the physicians of the dispensary.

Q. And has he been police surgeon, for the police, do you know? A. Not that I know of, sir.

Q. Did you hear about Dixwell's testimony before the grand jury about ten years ago, nearly ten years; did you hear of it? A. I don't recollect. All I heard, — at least, I don't know in what relation you mean. I heard of him before the grand jury in civil cases,— criminal cases.

Q. The thing I am asking about is this about these babies? A. No, sir.

Q. Didn't hear of that at the time? A. No, sir; at least if I did, I have forgotten it; I don't recall it.

Q. (By Mr. Brown.) Doctor, I want to ask you a single question: you say you heard of him before the grand jury in several criminal cases; what were they? A. There was one case where he had some trouble with Dr. Pagani; I don't know the details.

Q. That is, he was the subject to be indicted at the time you did know of; is that it? A. I don't know the details. I know he and Dr. Pagani had some question about one of them going before the grand jury; I don't know what it was.

Gov. Butler. Went before the grand jury; we will concede that case whenever it comes up; a very clever gentleman, I believe.

Q. (By the Chairman.) Will you tell the committee how small, or how fine these fragments are after the dissection, that go into the pails, as you describe it. A. Well, sir, they would vary. There might be some half as large as your finger, say; and then some of the larger muscles entire; muscles as large as the leg would be removed entire, and some of the muscles of the arm.

Q. No pieces of bone, I take it, usually? A. Well, sometimes there would be bone; very often the bones were taken by the students.

Q. Would these be in small pieces? A. No, sir; they would not be apt to be unless they were sawed up.

Q. (By Gov. Butler.) But all the muscles, — let me understand a little more, — you examined, sometimes, the whole muscle, like the leg, the thigh? A. The whole length of the muscle, sir.

Q. From the knee to the — A. Yes, sir.

Q. Sometimes that would be simply cut off and thrown aside? A. Yes, sir.

CHARLES B. PORTER (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. Charles Burnham Porter.

Q. You are a physician, and where is your residence? A. Five, Arlington Street.

Q. Do you know Dr. John Dixwell? A. I have known him from the time he was in the school, but not intimate.

Q. Not intimately. Were you connected with the Harvard Medical School in the years 1870, '71, '72 and '73? A. I was demonstrator from 1869 to 1879.

Q. 1869 to 1879; ten years? A. Yes, sir.

Q. Demonstrator of anatomy; and, as demonstrator of anatomy at the Harvard Medical School, what did you have to do with the bodies, if anything, which were brought there for the purposes of dissection? A. I had the entire control.

Q. The entire control. Was the dissecting-room entirely under your management? A. Yes, sir.

Q. Was the room adjoining the dissecting-room, that you have heard described, in which the bodies were placed prior to dissection, entirely under your control? A. Yes, sir.

Q. Did you have the key to both rooms? A. I did.

Q. Did anybody have the key to the room in which these bodies were kept except yourself, and if so, who? A. The janitor.

Q. Who was janitor during 1870, '71, '72 and '73? A. William Andrews.

Q. Anybody else have a key to that room except yourself and Mr. Andrews? A. No, sir.

Q. Now, Dr. Porter, during the three years when Dr. Dixwell was connected with the school, commencing with 1870 and ending with 1873, was there a body of an infant in that dissecting-room or in the room adjoining it, within your knowledge? A No, sir.

Q. Never was? Could there have been? A. I should like to make a remark.

Q. Yes. A. It is possible that a still-born baby might have been brought by one of the students who was attending a case, to examine, look at the fœtal circulation, but never anything which passed through my hands.

Q. Or which passed through the hands of the janitor? A. No, sir.

Q. Or which was paid for by the institution? A. No, sir.

Q. Now, was there any baby dissected in that dissecting-room during the three years that Dr. Dixwell was there? A. No, sir.

Gov. Butler. You may spend as much time on that as you like; there was no evidence that there was.

Mr. Brown. I don't know which way this cat is going to jump, and I want to cover the entire ground.

Gov. Butler. It is covered so far as I am concerned.

Q. Now, was there ever any baby in that room used as a receptacle for these dead bodies prior to dissection? A. No, sir.

Q. Within your knowledge within those years? A. No, sir.

Q. Is there any time in the year when Andrews, the janitor, could have dealt out babies—the bodies of babies—to anybody, they being a part of any material with which the Harvard Medical School had anything to do? A. No, sir.

Q. Now, doctor, you knew Dixwell as a medical student? A. Yes, sir; just as I know all the medical students.

Q. Did you ever know of Dixwell's ever having any babies to dissect out of the school? A. No, sir.

Q. I want you now to tell us, doctor, what was done with the remains during the ten years that you were demonstrator of anatomy, from 1869 to 1879? A. They were collected in pails placed under each one of the dissecting-room tables, and then transferred from there to a room adjoining in the yard, and put into coffin-boxes, such a box as is usually put outside of a coffin when interred in ordinary burial,—were put into that, and then closed up and delivered to the city undertaker to be buried at Mount Hope.

Q. Who was the city undertaker? A. Mr. Tinkham.

Q. On Howard Street? A. Yes, sir.

Q. And they were buried in Mount Hope cemetery? A. Yes, sir.

Q. And that was the method or manner in which these remains were disposed of during the entire ten years in which you were demonstrator of anatomy? A. Yes, sir.

Q. From 1869 to 1879? A. Yes, sir.

Q. Now, doctor, during the time when Dr. Dixwell was at the medical school as a student, or during the ten years, — take

the longest period, ten years, — were the bodies of animals dissected on the tables there with the bodies of human beings? A. Never.

Q. Did you ever know that the remains of any animals were placed in the same receptacle in which the remains of human beings were put, for the purposes of burial? A. No, sir.

Q. Or for any other purpose? A. No, sir.

Cross-examination by Gov. Butler.

Q. About what is your age, sir? A. I am forty-three, sir.

Q. And where did you live at the time you were demonstrator of anatomy during these ten years? A. I lived at 103 and 104 Boylston Street.

Q. What time did you go to the school? A. Well, it varied, sir, with my work. I generally was there by from ten to eleven o'clock in the morning, and I was always there from five to six in the afternoon, at what was called the demonstrator's hour.

Q. Where were you the rest of the time? A. I was generally at the college till one.

Q. You got there at eleven in the morning and stayed till one, and went away, and came at five or six; and then you went home, I suppose? A. Yes, sir.

Q. When you got through your hour of demonstration? A. Yes, sir.

Q. Now, sir, did you assist in taking the bodies out of this dead-room, which we have heard described, and putting them on to the tables? A. No, sir; but I ordered it.

Q. That is, you ordered so many bodies? A. Yes, sir.

Q. You ordered the janitor to produce so many bodies on the tables ready for dissection? A. Yes, sir.

Q. And you found them there, if he had them? A. Well, I knew whether he had them or not.

Q. Could see that from his report? A. From his report,— no, sir; it was because I knew every body that arrived there.

Q. Take a body that arrived there between six and ten in the evening, how did you know that except from report? A. I should have the *entrée* to the room and find it out.

Q. You could have gone in and found out, — but did you? A. Yes, sir.

Q. Then, every day during these ten years, excluding Sundays, of course, you went into that room? A. I won't say

that, sir, because there was some days when it was not necessary.

Q. Very well; how did you know that it was not necessary? How did you know that a body hadn't arrived there the day before,—the night before,—when you weren't there? A. Well, that is a difficult question to answer, sir; I cannot answer that.

Q. What? A. I can't answer that, because it would not be possible for me to know, if I wasn't there.

Q. I know it would not, and, therefore, I thought you were going a little further than you meant to. I want to treat you kindly and fairly, doctor, and I want to call it to your attention that you could not know except from report. Now, if you please, who paid for these bodies? A. I did, sir.

Q. To whom did you make your payment? A. I made it, — it would depend upon where I got them, sir.

Q. Who paid you? A. Harvard College.

Q. Suppose the janitor — did Harvard College pay you for all the bodies? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Didn't the students pay for them? A. They paid a certain amount of money for the privilege of dissecting, sir; but it was not considered as paying for the body.

Q. They were paying for the use of it? A. Yes, sir.

Q. They paid a certain amount for the use of it. Very well, who did they pay that to? A. That was paid to the janitor.

Q. To the janitor. To whom did he account? A. He accounted for it to me.

Q. He accounted to you. Now, there must be some books on this subject? A. I only had memorandum from year to year, sir.

Q. Only memorandum. A. And when I rendered my account to the college those memoranda were destroyed.

Q. When your account of the bodies of these people was rendered, your memorandum was destroyed each year? A. Yes, sir.

Q. Kept on loose sheets? A. Kept in a little book for my pocket, sir.

Q. On a pass-book. A. Yes, sir.

Q. And you called for so much money from the college from week to week or month to month. How often did you settle your accounts? A. Generally twice a year, sir.

Q. Twice a year you called for so much money. Whom did

you call upon for it? A. Now, the treasurer of Harvard College; I called on —

Q. No; not now. A. It will cover the ground if you will let me finish.

Q. I want to cover the time you were there. A. I was going to say that during the time I was there, during a portion of my term of service as demonstrator, Mr. Swan, who was connected with the New England Bank, sir, I think, — I have forgotten, — always gave me the money; but in 1871 there was a vote passed by the overseers of the university that from that time on the account should be settled at the treasurer's, so that since that time I have drawn from him.

Q. Now, the New England Bank, up to 1871, furnished the money. A. Yes, sir; well, it was only through this one gentleman, as an agent for the school; but not the bank, sir.

Q. An agent for the school, who was there at the New England Bank? A. Yes, sir.

Q. Who was the young gentleman; Mr. Swan, you say? A. Mr. Swan.

Q. Do you know where he is now? A. He is at the same bank, sir, I think.

Q. Same bank; and then he used to pay you the money? A. Yes.

Q. And settle the account? A. Yes, sir.

Q. After that, for some good reason, probably; for some reason, at any rate, good or bad, they have been settled directly with the treasurer. A. Yes, sir. That was because there was a change at that time in connection with the organization of the school, and President Eliot took charge of the affairs of the school, which hadn't been done by the president of the university up to that time.

Q. That made a good reason. I said for some reason, good or bad; that made a good reason. A. Yes, sir; that was the reason.

Q. Now, then, did you pay the same price for a body each time? A. Yes, sir.

Q. Always pay the same price, wherever it came from? A. Paid the same price to the same individual.

Q. What? A. When a price was once agreed upon with an individual it was the same.

Q. I understand; when it was agreed upon, you paid what you agreed upon. I should not question that. A. I said with

the individual. If it was agreed upon, the same price was paid to him.

Q. I ask you if you paid the same price for bodies of the same, — I don't like to say relative worth; but say bodies of adults? A. It depended on the source from which they were supplied.

Q. Now, that is the very thing I want to know; what source were they supplied from? A. I don't know, sir, that I am called upon to reply; except that they were received from Tewksbury, some of them.

Q. Pardon me; I think you are; but, then, we won't come to a dead-lock until it is necessary. What other sources, — I will come to that in a moment. What price did you pay to Tewksbury? A. $14, sir.

Q. Fourteen; never any more? A. No, sir.

Q. Never any less? A. Well, I think, in the first part of my period as demonstrator, that $12 was paid, sir; but I am not positive about that.

Q. And $14 afterwards? A. Yes, sir.

Q. Did you get any voucher for your money paid? A. Do you mean a receipt?

Q. Yes. A. Yes, sir.

Q. Take them as each body was delivered? A. No, sir.

Q. How often did you settle up? A. Generally twice a year, I think, sir.

Q. Twice a year. By whose account did you settle; the man's that you settled with or your own? A. My own, sir.

Q. Did he present the account? A. I took the memorandum, and I think a great many times simply the money was passed, sir; without anything except from the data on my book, which I told you about.

Q. The data on your book. Didn't he present any account? A. I won't say that it has not been done at times, sir; but not as a general thing.

Q. Did you give anybody a receipt for any of these bodies? A. No, sir.

Q. I am now dealing with Tewksbury alone; I am coming to the rest by and by. A. Give a receipt for the body?

Q. Yes. You have got a human being, what was a human being just before, — now, was there any receipt given for him to anybody? A. No, sir.

Q. Never, — as regards Tewksbury? A. I don't remember that there was, sir.

Mr. Brown. You mean given for the body itself, not for the money?

Gov. Butler. Not for the money.

Q. You were having human beings delivered to you, or the remains of human beings, and no receipt was ever given, nor any check, and no account ever existed of that, except one in your memorandum-book, which was destroyed each year, — that is the condition of things? A. Yes, sir.

Q. That is the condition of things, is it? A. Yes, sir.

Q. Did you know the man that brought them? A. Yes, sir.

Q. Manning? A. Yes, sir.

Q. Did you pay the money to him? A. No, sir.

Q. He brought them and delivered them? A. Yes, sir.

Q. Did he have any book about it? A. I don't know, sir, anything about that.

Q. Did he deliver them to you or to the janitor? A. A great deal of the time, sir, to me, and sometimes to the janitor.

Q. Well, by delivered, what do you understand, — did you go with him to this room where he carried them in? Who carried them in? A. I frequently saw them before they were carried in, sir; at least, saw the boxes in which they were brought, and went into the room.

Q. What? A. Went into the room with him.

Q. The boxes in which they were brought, were they taken out of the boxes in your presence? A. Yes, sir; in the room; but they were carried into the room first in the box.

Q. Carried into the room first and then taken out? A. Yes, sir.

Q. Then, doctor, if he hadn't chose to bring them to you, there would be no way of telling of the man that sold them, — no way of telling what you got, whether you got them or didn't get them? A. I don't understand your question, sir.

Q. Well, sir, I will tell you. You gave no receipt? A. No, sir.

Q. Supposing Manning should carry one off and sell it to me, and then say, "I sold it to the doctor," "I delivered it to Dr. Porter," — there would be no way of saying that he did or didn't? A. I had no way of knowing what he would do outside.

Q. Now, whom did you deal with about these bodies? A. Mr. Thomas J. Marsh, Jr.

Q. Did you ever deal with anybody else except Manning and Thomas J. Marsh, Jr.? A. I think in the earlier days, sir; but it had slipped my mind till this morning, that I dealt first with Mr. Wrightington, but I should have to refresh my mind about it.

Q. You dealt first with Mr. Wrightington? A. As having something to do with the Board of Charities or the State House, or something of that kind.

Q. By Mr. Wrightington you mean the man who is now in the Board of Charities? A. I should have to refresh my mind about it; I don't know.

Q. Had you any receipts from him? A. No, sir; no more than the others.

Q. He dealt a little cheaper, apparently, — you said you thought in the first place you paid $12, — did he? A. That I can't remember, sir.

Q. I wish you would try and refresh your memory and let me know to-morrow morning about it, and bring me anything you have. Did he have any account? A. That I know nothing about, sir.

Q. About what time did Mr. Thomas J. Marsh begin with you? A. I don't remember the year. I think it was '70 or '71, sir; I have forgotten.

Q. He began in '70 or '71? A. As I said, till this morning I had forgotten I ever dealt with anybody else except Mr. Marsh.

Q. You see now the necessity of records about this thing. A. It is so many years ago, sir, that I had no idea of anything —

Q. Of course, thought it would all blow over. Now, sir, will you tell me when was the first time that you ever knew that a bond was given for these bodies? A. I think I was told that when I first became demonstrator, sir.

Q. When was that, '71? A. '69, I think, sir.

Q. '79? A. '69, I think it was.

Q. Who told you that? A. Well, I don't remember.

Q. Were you sole demonstrator? A. Yes, sir; there was an assistant demonstrator at that time, sir.

Q. Who was he? A. Dr. Beach.

Q. Well, you never gave any bond? A. No, sir.

Q. Nor you don't know that one was ever given? A. I never saw the bond.

Q. Who told you one was given? A. I think it was my predecessor.

Q. Who was he? A. Dr. Cheever; I won't say it was he, but I think it was. It was he, or one of the professors in the school.

Q. But subsequently did you know of any bond being given while you were there? A. No, sir; you mean from Tewksbury?

Q. What? A. For bodies received from Tewksbury?

Q. Yes. A. No, sir.

Q. I am now going to exhaust Tewksbury, and then I am going after the others, in order to make comparisons. Now, how shall we distinguish in the accounts for these bodies with the difference in price paid and the credit which you naturally would give for what the students paid for the use of them? A. That was all accounted for, sir; the money which was received was accounted for.

Q. I know; I don't mean to say it was not; but I want to know how the account was kept, so I can see, — if I found that Harvard College paid $1,400 for bodies, why, I should know then they had one hundred? A. Yes, sir.

Q. Unless that $1,400 was made less by the amount that the students contributed? A. That money was used in part to pay, and then there was a check drawn for the rest.

Q. Check drawn? A. Or money drawn for the rest.

Q. For the rest. Then there will be no account anywhere of this money that the students paid? A. Not necessarily; it would simply state, so much money received for parts.

Q. What? A. Merely say so much money received for parts; that is the way it would read.

Q. So much money received for parts, — will that appear in every instance? A. I think it would, sir; I can't say whether it would or not.

Q. You didn't sign any of these bonds, did you, sir? A. I did not, sir; I don't remember that I ever did.

Q. Now, doctor, I want to go to a little matter about an infant body. Did you ever see the body of an infant in the Harvard Medical School? A. Ever see one there? Yes, sir; that is, I stated, I think, before, that it was possible that they

might have been seen, where they were brought merely to study the fœtal circulation, as a still-born baby —

Q. I don't ask the necessity, — I have learned a good deal that they are not made as the rest of us are, — but I am only asking now the fact, not the necessity of the fact. Were you educated at the Harvard Medical School yourself? A. Yes, sir.

Q. How early, doctor, did you ever see an infant body in that college? A. You mean used as —

Q. Used for any purpose on earth, except suckling its mother. A. I don't remember I ever saw it used, except in an obstetric course.

Q. I don't ask whether it was used in the obstetric course, or in any other course, and you will find it impossible to get away from my quetsions, for they will be so searching you will only come to grief at last. A. I am not endeavoring to, sir.

Q. I don't know as you are; but you are telling me about the obstetric course, and the necessity, and every way but answering my question; how early did you ever see the body of an infant in that college? A. It is impossible for me to answer it, sir; I don't remember I ever saw one.

Q. Never saw one in that college at all? A. Except as I have stated, sir.

Q. I don't ask any exception. How early did you ever see one? A. Well, I don't remember. I may have seen one as a student, or I may have seen —

Q. Will you swear you didn't see one as a student? A. I will not.

Q. Will you swear you didn't see many as a student? A. I will.

Q. By many, that you didn't see twenty? A. Yes, sir.

Q. Ten? A. Yes, sir; that I didn't see two.

Q. What, you didn't see two? Will you swear that as demonstrator of anatomy you haven't seen twenty? A. Yes, sir, I will.

Q. How many was the smallest number, to save me running down the gamut, — how many will you swear you did? A. As demonstrator?

Q. Yes, sir. A. As demonstrator, I think, in 1876, I endeavored, as far as I could, to supply infant bodies for the

course in obstetrics, and that is the first that I remember of anything of the kind. I think it was '76, sir.

Q. You think it was in '76. Now, will you tell me, whether prior to that time you hadn't seen a human body of any description, an infant body of any description in that school, or within the walls of that school? A. Only as I have stated.

Q. Prior to 1876? A. Yes, sir; only as I have stated.

Q. You haven't said you saw one prior to 1876; you said you didn't. A. I said I might have seen —

Q. You might have seen, — certainly, and so might I if I had been there. Now, did you see one prior to 1876? A. I can't answer that question, sir.

Q. What? A. I can't answer it.

Q. Do you know whether you did or not? Do you know that you didn't? A. I can't answer that.

Q. Do you know how many you didn't see? A. Well, I have only an impression, sir, because this was long ago; but I know that I didn't see any number, because it was not possible.

Q. Now, sir, do you mean now to tell this committee on your oath that Mr. Andrews could not have dealt — when you were not there, with a key to that room — with Manning for dead bodies at his pleasure without your knowing it? A. Yes, sir.

Q. What? You say yes, sir. A. Well, I will say, I will qualify that by saying, I cannot conceive the thing possible, because I was in and out of this room so frequently, and had the full charge of the material myself, — that is, an account kept of the subjects as brought there and as distributed to the students.

Q. Now, where is that account? A. If anything was done clandestinely, of course, I have no knowledge of that.

Q. You haven't had any knowledge of that if you didn't know of it. That is exactly as I supposed. Now, what I want to know is, wasn't there ample opportunity for him to deal every evening between the hours, substantially, between the hours of seven and six the next morning, in bodies to any extent he chose without your knowing it? A. I should think it was, sir.

Q. What? A. I should think it was.

Q. So should I. Now, then, do you know anything why a man should be discredited who shall swear he did? A. It would depend on the man.

Q. What? A. It would depend on the man.

Q. Do you know anything why any given man, leaving him out, anything you know about him, — do you know anything from what was done there, from the condition of things there, why a man should be discredited who says he did? Not from your opinion of the man, that is not what I ask you, sir, for I know Dixwell is to be hunted down; but we will see before he goes. Now, do you know anything which should, — so that a man who shall swear so should be discredited? A. Only from the general management, sir.

Q. The general management. The general management is one thing; but I am after a matter between seven o'clock and seven, and eleven the next day, for that, when you weren't there. A. I had no knowledge, sir.

Q. You had no knowledge, and you don't know of anything why it should not go on without your knowing anything about it? A. I don't know any reason why it should, sir; and I can say I don't know any reason why it should not.

Q. And you don't know any reason why it should not? A. No, sir.

Q. Very well, then we will leave that there. Now, sir, if a man could make traffic of three and five dollars a head to the students of these bodies, that would be a reason why he should, wouldn't it? A. It would be one way of making money, sir.

Q. If he wanted to make money; yes, sir. Very well; now, have you ever dissected an infant body yourself? A. No, sir; not completely dissected it, sir, if you ask me that.

Q. Did you dissect it in some degree? A. No; never.

Q. Not completely dissected, — I don't suppose any man ever did. A. Never beyond the simple study of the fœtal circulation.

Q. You dissected it for one purpose and another man for another? A. I don't remember that I ever did it myself; I don't think I ever did.

Q. You don't remember you ever did it yourself? A. I think I have seen the thing demonstrated by Professor Jackson.

Q. When was that? A. That was during my course as a student, sir.

Q. Course as a student; and when was that? A. That was in 1862 to 1865, sir.

Q. And was that a recent dissection? A. I think it was on a still-born baby, sir.

Q. On a still-born baby, — he demonstrated on a still-born baby, the fœtal circulation, of which there were always remains at that time, in such cases, I suppose; more than once was that demonstrated? A. Don't remember I ever did more than once.

Q. Don't remember; and that was as early as 1862? A. It was somewheres in my course from 1862 to '65; I don't remember what year.

Q. Then they did dissect babies for some purpose there as early as 1862 or '65? A. Well, Dr. Jackson was always, as professor of pathological anatomy, in the receipt of specimens from doctors to —

Q. I have no doubt. A. And monstrosities and so forth, and that was left for the demonstration.

Q. What doctor? A. I don't know anything about where he got them, sir.

Q. Exactly. Why did you undertake to tell us, if you didn't know? What did you interject that for? You told us where he got them from. A. I said he was in constant receipt of such things.

Q. Exactly, exactly; but whether he received them from Tewksbury, you don't know, among the rest? A. No, sir; I don't.

Q. Very well. Now, then, he was in constant receipt: how constant? A. How constant? That is impossible for me to say, sir.

Q. So constant that that would be a good word for it, did he? A. If you take the rest of my phrase, of pathological specimens and monstrosities, I think it would be.

Q. Well, answer how frequently, — babies or monstrosities. A. That I have no means of judging, sir.

Q. Very well. Now, then, in Harvard they did use, as early as 1865, babies for some purpose of dissection? A. Not beyond what I have mentioned, sir, for fœtal circulation.

Q. Not beyond what you have mentioned. A. Not that I know of, sir.

Q. Now do you know of any reason why the practice of dissecting babies should not have been kept up for that purpose since '65? A. No, sir; I do not.

Q. If it was a proper thing to do in '65, why wasn't it a proper thing to do for the instruction of students, why wasn't

it a proper thing to do in 1869? A. I should think it was, sir.

Q. Then why didn't you do it? A. It didn't belong to my department.

Q. Why didn't the demonstrator to whose department it did belong, or the professor to whose department it did belong, — why didn't he do it? A. I don't know, sir.

Q. You don't know that he did do it? A. I don't know that he did or didn't, sir; I have no knowledge.

Q. He might have done it without your knowing it? A. Yes, sir.

Q. You didn't attend his demonstrations? A. No, sir.

Q. How often did he have a demonstration hour? A. That I don't know, sir.

Q. You don't know? A. I don't remember.

Q. Did he every day? A. I think not, sir; I think it was only twice a week, but I have forgotten.

Q. Did he do it in the dissecting-room? A. In the professor's room.

Q. In the professor's room? A. In the lecture-room, if he did it; I don't know that he did it.

Q. And did you attend the lecture; you didn't attend his lecture? A. No, sir.

Q. Then he might have dissected all the infants' bodies that died at Tewksbury, for aught you know? A. Well, I only know, sir, that he gives an extended course, covering the whole subject, and that he would not be apt to do such a thing as that more than once a year.

Q. You reason, you argue the matter, — but for aught you know? A. I know nothing about it, sir.

Q. You know nothing about it. A. I know nothing about it.

Q. Then, suppose we stop right here. A. Yes, sir.

Q. It will be as good a place to stop on that testimony as anywhere, where you don't know anything about it. What was his name? A. Prof. J. B. S. Jackson; he is now dead, sir.

Q. Now, then, where were you demonstrator, in what part in the whole of anatomy? A. In the dissecting-room, sir, and preparing the lectures for Dr. Holmes.

Q. For Dr. Wendell Holmes? A. Dr. Oliver Wendell Holmes.

Q. And what did he lecture on? A. He lectured on the

muscles, the nerves, and upon the general systemic anatomy, as it is called.

Q. You prepared the matter for him. Now, sir, did you know where Dr. Dixwell lived? A. No, sir.

Q. You did not; never was in his dissecting-room? A. Sir?

Q. You never were at his dissecting-room? A. Never knew he had one.

Q. Never knew whether he had one or not? A. I never heard anything about it till this investigation came up.

Q. Never heard anything, one way or the other? A. No, sir.

Q. Now, then, Dr. Porter, can you tell me when it was that you required any qualification for admission at Harvard Medical School? A. No, sir; but it was only three or four years back.

Q. Up to that time anybody could go there? A. Yes, sir.

Q. Now, then, how many students did they use to have in those days? A. I think we had from about 250 to 300; I don't remember.

Q. 250 to 300. Now, sir, will you tell me whether or not you have ever seen a bit of human skin in that institution cut off of a body? A. No, sir; cut off of a body?

Q. Yes, sir. A. It is constantly cut off in the process of dissection.

Q. I understand it is, but skinned; have you seen, — not where it is cut off and thrown down with the remains, I don't mean that, but have you ever seen it skinned? A. No, sir.

Q. Ever seen a body skinned? A. No, sir.

Q. Or any part of it? A. Well, I won't say I have not seen to all intents and purposes the whole body skinned, because, in the process of dissection, after a certain point, the body is skinned.

Q. Is rather taken out of its skin, than the skin off of it, I suppose? A. No, sir; the skin is dissected off of it, generally, carefully, to take the first layer of muscles for demonstration.

Q. Do you know what is done with those skins? A. Generally put in the pail, sir.

Q. Put in the pail; but was it whole, substantially, where you wanted to get at, — say you wanted to get at this first layer of muscles here, say from here to there, or the first layer

of muscles around the abdomen and breast, it is generally whole, generally taken off whole, the skin? A. It is generally laid back, sir, and then, till the part is dissected, the skin is wrapped about it afterwards so that the parts shall not dry.

Q. Kept as a sort of wrapper, and when they get through the skin is whole? A. The skin is taken off, generally, and put into the pails.

Q. Taken off and put into the pail; but what I want to know is, if it is taken off whole? A. No, sir.

Q. Not quite whole, but I mean in large pieces? A. It is entirely at the option of the student.

Q. Of the student. A. To take off whatever is necessary for the display of the next portion.

Q. And he may put it in the pail or may put it in his pocket, if he has a fancy, I suppose? A. I don't know anything to the contrary.

Q. Don't know anything to the contrary? Now, then, was there any watch kept as to whether these skins were taken out of the pails? A. There has no watch been kept, sir.

Q. Is there anything done of any description, name or nature to see to it that these skins are not sent to tanners all over the country? A. I don't think there is, sir.

Q. Don't think there is. Did you ever hear of a piece of human skin going from that school? A. Not till this investigation, sir; never before.

Q. Never before. You never heard of any such thing. But it is evident, now, that it has been going on for years right under your nose, and you didn't know anything about it; that is so, isn't it? A. Yes, sir; because I never mistrusted it.

Q. You never mistrusted it. A. I didn't conceive of students doing such things.

Q. You couldn't conceive of students being so — A. Debased.

Q. I was going to say of such low taste. A. Of such low taste; I agree, sir.

Q. It is wonderful, I agree. Now, then, for aught you know or for aught there is any power of finding out in your institution, all these pieces of skin may be turned right over to bad men for the purpose of tanning, — may have been? For all there is anything to be known by the way the institution is conducted, all these pieces of skin may have been taken right

out of the pail, or not put in, at the pleasure of the student, and taken and tanned, and put into the market as leather or anything else? A. A student could do such a thing, if he did it clandestinely, but not with the cognizance of the faculty.

Q. That is, he could do it if he didn't go and ask for it. He would get stopped very quick if he did that, I suppose. A. Yes, sir; most certainly.

Q. But there is no regulation or anything to prevent it? A. No, sir; I don't think it was mistrusted, sir.

Q. What? A. I don't think it was mistrusted, till recently.

Q. And there is nothing to prevent the janitor from making a business of it, is there? Nothing in your rules or regulations to prevent the janitor making a business of it, if he chooses? A. If he chooses; yes, sir.

Q. Well, I take it that your janitor, dealing with this sort of material, is not any higher in the social scale than, — the people at Tewksbury, we will say, as a rule? I don't mean to say anything against the individual, but I suppose you don't get the primest parts of humanity for janitors, do you? A. We try to get a good man, sir.

Q. I have no doubt you try to get a good man: but this Mr. Andrews was not a very high-toned gentleman, was he? I must say I like to treat a dead man gently, but he had been a pugilist, hadn't he? A. Not to my knowledge.

Q. You didn't know any more about that than you did about the skins? A. No, sir.

Q. Well, you don't get men that are of very fine senses to go into this business, do you? A. I don't think there is anything to shock one's senses.

Q. Well, that depends; it is a matter of taste again. A. If it is proper to make a distinction.

Q. You don't think there is anything that should require any different treatment from anything else? I am obliged to you, doctor. Then there is no reason why you should pay, if there isn't anything unpleasant to the senses, or anything to shock one's senses in doing that business, there is no reason why you should pay $10 for hauling eighteen miles a dead body any more than there would be for paying $10 for hauling a pig the same distance, is there? A. I don't know why there should.

Q. Don't know why there should be, and yet you have been paying at the rate of $10, as I hear, for hauling, — I will ask you about that. How did you get at the price, so much for hauling, and then so much for the body, or did you get the body — A. We paid nothing for the body.

Q. What did you pay for? A. Paid for the transportation.

Q. Paid for the transportation: all that you did pay for was paid for transportation. Well, but suppose a man had been bringing you a pig from Tewksbury, weighing 150 pounds, wouldn't you have thought it rather high transportation to have paid $14 for it? A. I don't know the distance, sir.

Q. How long have you lived in Boston? A. I have lived here a great many years, sir; but I never knew the distance to Tewksbury.

Q. It is a little less than twenty miles according to which road you come. Now, you would think that $14 would be a pretty high price for bringing a pig twenty miles, wouldn't you? A. I have no opinion about it, sir; I have never dealt in pigs.

Q. I didn't know but you might have bought one. But, pardon me, you say you were only paying for transportation; didn't you inquire when making the bargain for transportation how far the thing was to be hauled you were paying for? A. The agreement was made before I became demonstrator, and I carried it on at the same price.

Q. I thought you said it was $12? A. You asked me if there had ever been a variation in the price, and I said I thought years ago $12 was paid, but within the last number of years $14.

Q. If you didn't pay anything for the body, but only for the transportation, didn't you inquire what raised the price of transportation? It used to be $12; did Tewksbury go off any further from Boston, or what was the matter; didn't you inquire about that when they raised on you on the price? A. No, sir.

Q. Didn't you want to know, — for aught you knew it was just over here across the river. A. No, sir; I knew it was quite a distance, but I didn't know how far.

Q. Ten miles; you didn't know whether it was ten or fifteen miles? Didn't you think it was a pretty large price for

transporting so much indifferent matter? A. It didn't occur to me, sir.

Q. Now, do you mean, really, to tell us that you didn't know that you were paying more than the actual price of the transportation of so much meat for these bodies? A. Well, I can't answer the question, exactly.

Q. Can't answer that question? Well, it is a very plain question. Didn't you know, all these years, that you were paying more for the transportation of these bodies, because they were bodies, than you would have paid for the transportation of so many pounds of other meat? A. I think I took into consideration the manner in which such things have to be done.

Q. Why so, sir; what manner? A. They have to be done carefully, and for the sake of not offending public opinion; not having it known.

Q. Why not known? A. Because it always seemed better to me that these things should not be known.

Q. But, pardon me, these bodies were in a box? A. Yes, sir.

Q. Covered up? A. Yes, sir.

Q. A square box. I don't mean like a coffin, but I mean a square box like a piece off the end of this table, if it was square, could not be detected in a wagon from anything else: it might have been a box of fish, for aught anybody knew. Then it is an honest business, nay, highly necessary for science, and having the sanction of law, if you were acting legally. Now, why was there anything that should be kept secret about it: what was there to keep secret? A. Nothing beyond a general feeling, sir, I think.

Q. Why should anybody know anything about it in that box? A. I can't answer the question beyond that.

Q. Then you knew that you were paying, — was there anything you were paying extra for, except not to outrage the feelings of the community? Was that added? A. That is another question I can't answer.

Q. That is another question you can't answer. Then, what did you pay for, this high price? A. I have just stated it, sir.

Q. For transportation. Now, then, when I come to look at the Harvard College books, I must not look under dead bodies or any general material, but I must look under the transportation account, must I? A. You will find that it was so much for so many subjects for transportation.

Q. So much for transportation of so many subjects? A. Yes, sir.

Q. Did you ever inquire of Mr. Manning what he charged for transportation? A. No, sir.

Q. Would you have paid the same, would you have paid the $14, if you knew he didn't get but $10 for transportation? A. I never inquired, sir, because my arrangements were made through Mr. Marsh, with Mr. Marsh.

Q. Through Mr. Marsh. Did he ever tell you what he paid for transportation? A. He told me he paid that for transportation.

Q. How much? A. $14.

Q. Thomas J. Marsh told you that he paid $14 for the transportation of these bodies? A. $12 and $14, sir.

Q. Twelve and fourteen. A. If I recollect right.

Q. That is, he paid for transportation all that you paid him, whatever that was? A. Well, this was an arrangement with him, sir; I didn't go into the details.

Q. I know, I am not asking about the details, I am asking about a fact. Now, you paid Thomas J. Marsh, upon his representation that he paid that out, whatever you did pay him? A. I think it was —

Q. You didn't pay for anything else but transportation? A. $12.

Q. What? A. I think that $2 was added to the twelve for the handling, sir; for the handling at the other end.

Q. For the handling at the other end? A. I think that was it.

Q. Two dollars added to the twelve? A. I think that was it.

Q. And you paid fourteen for how many years? A. It is a number of years, sir, but I don't remember how many.

Q. A number of years? A. Yes, sir.

Q. About how many? A. Well, I should think —

Q. It was a steady pay of fourteen since the change from twelve? A. Yes, sir; just the same price.

Q. He said that he paid $12 and $2 for handling at the other end, you understood it, the $12 and $2. A. Yes, sir; there was $2 for handling at the other end and the rest was paid for transportation.

Q. He never told you, did he, that he was getting anything out of it? A. No, sir.

Q. You would be surprised to learn that he got two dollars a body for handling? A. I understood that the two dollars was added for handling.

Q. Did he claim that he handled them? A. He had the charge.

Q. Now, by looking on your books, can I tell the number of dead bodies you have received since 1858? A. I don't know, sir.

Q. Can I tell the number you have received since 1869? A. You will have to ask the treasurer; he has the books.

Q. I understand; but did you have such an account when you settled with the treasurer that I can tell? A. Yes, sir; it was satisfactory to the treasurer.

Q. I know it was satisfactory to the treasurer; but did you have such an account that he could tell how many had been had? A. I think, without exception, yes.

Q. What? A. I think, without exception, yes.

Q. He can. Now, then, in order to get at how many — is there any distinction between his account of dead bodies between Tewksbury and other places? A. I think in some accounts it was stated, and in other accounts it was not.

Q. Well, then, how can I tell how many came from Tewksbury? A. I don't know how you can tell, sir. The account made was not rendered for you, but it was rendered to the treasurer, and it was satisfactory to him. Whether it would show all that you would like, I cannot tell. I cannot tell you whether it will give you the information you want or not.

Q. That is what I want to know. Is there any way on earth, in your judgment, of my finding out how many of my fellow creatures have been taken from Tewksbury and dissected at the Harvard Medical School? A. I think, sir, the account will show.

Q. If you didn't put in the number, how would it show? A. I said I thought in nearly all, if not all cases, the number was mentioned; I am not positive.

Q. Then you don't know positively that I can tell about that thing? A. I cannot say positively, but I think I can.

Q. You think most of them are there? In order to find out — how many did you get from other sources? We can check the account, perhaps, in that way. But before we go to that, was there always dearth of material? A. Yes, sir.

Q. Always? And you told Mr. Marsh, when you saw him

and Mr. Manning, that you wanted all that you could get? A. That has been understood, sir.

Q. And they told you they brought all they could get, didn't they? A. It was understood so.

Q. Now, sir, did any body come to you that had been once under ground? A. Not to my knowledge.

Q. Do you know whether it is so or not? A. No, sir.

Q. Could you tell whether it had or not? A. No, sir. They would be of no use.

Q. What? A. They would not be of service.

Q. How old, as a rule, would a body have to be before it would be unserviceable, — from the time of death? A. That would depend on the time of year, sir.

Q. Well, take it between the 21st of September and the 20th of March? A. I should think if it was beyond a few days; I would say six or seven days —

Q. How many? A. Six or seven days.

Q. Seven or eight days? A. Yes, sir.

Q. And if it had been buried in the meantime, you could not tell it? A. No, sir.

Q. And, indeed, if it was buried in good, clean earth it would be rather a preservative? A. I should think the temperature would be kept down, sir.

Q. And that is what you fear? Now, then, there was ample time, — supposing a person died on Saturday, and the body was buried on Monday and dug up on Thursday, and brought to you, it would be all right? A. I should think so.

Q. So there was ample time to notify the friends, if there were any, and then have a burial, and then have a digging up and bringing to you? A. Yes, sir.

Q. Now, I want to go to another matter. Didn't you send up for more bodies, sometimes, than you got? Didn't you write up, or send up, by Mr. Manning, "Can't you give us some more material?" A. Yes, I think so; from time to time, as there would be a dearth.

Q. You would send up, "Can't you give us more?" A. Yes, sir.

Q. Did you send up how many more you wanted? A. No, sir.

Q. Because you were willing to take all you could get? A. There was always a dearth, sir.

Q. Always a dearth; always glad to get them. Well, can

you tell us why the usual law of supply and demand didn't work in this case, that excessive demand raises the price? A. No, sir.

Q. You know that is the general law, don't you, of supply and demand, that excess of demand raises the price? A. Yes, sir.

Q. Why didn't it operate in transportation; do you know any reason? I understand that it was not the transportation that was wanted, but the body; was not that so? It was the transportation you paid for, but it was the body that was wanted? A. Yes, sir; and I suppose that is the reason why the price didn't rise, because there was nothing paid for the body.

Q. Well, was that ever told you as the reason why the price did not rise? A. No, sir.

Q. But you did raise the price once; what was the reason told you for that, if the transportation was not any further? A. There was no reason given, sir.

Q. Now, where else did you get bodies? A. I don't wish to answer that question.

Q. What? A. I don't wish to answer that question.

Gov. Butler. Pardon me, but I think you must. I cannot otherwise find out how many went from Tewksbury, on your own showing.

The Witness. I think you will have to see the accounts, sir. I don't wish to answer that question where else I got them.

Gov. Butler. I beg your pardon, sir, but you are an officer of the State, really, because the State takes care of Harvard College, and you are dealing with the human beings of the State. Now, will you tell me why you should not answer my question where you got the human beings? Tell me the reason.

Mr. Brown. It seems to me that this inquiry is altogether improper.

Gov. Butler. Well, won't you state the reasons why, brother Brown?

Mr. Brown. Certainly, I will. In the first place this is an investigation of Tewksbury.

The Chairman. We started out with that idea, at least.

Mr. Brown. Well, we want now to come back to first principles. We started out with the idea of investigating Tewksbury, as I understood it. For the accommodation of His Excellency, we have permitted an investigation in regard to cer-

tain matters at Harvard College, for the purpose of showing that these bonds here, two of them, one succeeding the other, signed by Dr. Oliver Wendell Holmes and Dr. Henry J. Bigelow — that there has been a breach of these bonds, as was claimed by His Excellency, and that this management of Tewksbury has been negligent. In other words, that they have mismanaged in not pursuing the remedy on these bonds. Now, to the extent to which Harvard College has dealt with the material of these bodies which come from Tewksbury, this committee has allowed His Excellency to go just as far as he could possibly desire, and he has had *carte blanche* to do everything he saw fit, and the committee has not ruled against him in any instance since the morning of the 30th day of last March. Now, he has started upon another inquiry. He wants to know in regard to the place where the material came from outside of Tewksbury. Suppose it came from out of the State, what business is it of ours?

Gov. Butler. None.

Mr. Brown. Suppose it came from some institution which is not a State institution, what business is it of ours, for this investigation?

Gov. Butler. None.

Mr. Brown. Very well, then, suppose it came — and that is the only other thing you can suggest — suppose it came from some other institution not here under investigation: I ask what business is it of ours here? If the committee thinks it is any business of ours to investigate any other institution that may have furnished material to Harvard College, except Tewksbury, why, we are opening an inquiry which may take, for aught I know, until next July. It seems to me, Mr. Chairman, that it is not of the slightest materiality to this case. If we confine ourselves to the investigation of Tewksbury, and to the claim which was made in regard to the mismanagement, and the failure of the Tewksbury trustees to pursue the remedy on these bonds, it seems to me we are doing everything that we ought to do. To go farther than that is in my judgment improper.

Gov. Butler. Well, Mr. Chairman, this is the view in which I put it; and I by no means narrow this investigation as the learned counsel does who has just sat down. We are now pursuing an investigation, first to find out whether the bodies have not in fact been sold from Tewksbury; because I frankly say I don't believe this story about transportation, when it

comes from the lips of one witness, any more than I did when it came from the lips of Miss Manning, and none of the rest of you do; you may believe it now, you didn't believe it then. Now I want to ascertain if that was the price of dead bodies, generally, where the transportation was but a few feet, or a few rods, or a mile or so. I understand, and I think everybody else understands, that it was the dead bodies that were wanted. Now it is called transportation, because the law requires these bodies to be given to the institutions, or permits bodies to be given; and therefore they say they carry out the law and they only ask for transportation. This is not a new device to evade the law, if the Chairman please. Years ago, as far back as we can remember, when we had a stringent liquor law, a man had a striped pig in a tent, and he charged for a man to go in to see the striped pig, but he gave him a glass of liquor when he got in. So here is transportation, and not the body; the transportation is paid for and not the body; but it is the body that is wanted, and not the transportation. So there they didn't say much about seeing the striped pig; that was what was paid for, but what was wanted was the glass of liquor. Therefore this investigation is not a new one by any manner of means.

Now, then, I want it again on another ground. I want to know, if I can, how many of my fellow creatures have had their bodies cut up and thrown into a cesspool, or thrown anywhere else into a pile in this State under our humane laws, if I can, in order to stop it. Because I cannot find any account of these matters. The doctor won't swear that he has kept an account separate with Tewksbury. He thought, sir, that he was very doubtful until he saw where I was coming out, and then he thought it might be, but he would not say. Now, then, I am in this condition, that I want to know how many he has got from other institutions, for the purpose of getting the account and seeing how many have been paid for; then, by deducting those that he got from other institutions, or sending to those other institutions, or those other people, whoever they are, I can get the number of bodies which have been paid for from Tewksbury; and I don't see how, under this state of things, I am to get it in any other way.

It may turn out, but I don't think it ought to be presumed in ruling upon this question, that the hillside graves of which we heard Saturday have been robbed. Mark, I

have made no such intimation. I hope and trust in God it would not be true. But you are not to rule upon the ground that there may have been a revolting and disgusting crime committed and paid for by Harvard College. I don't want to proceed upon that ground. They claim the right. Because, I suppose, we all agree that grave robbing is a State prison offence, and those that pay for it ought to suffer as accessories after the fact. Now, I don't assume that, and hope it will not turn out so. It is not a ground upon which you should rule, because there is an honest way of acquiring these bodies. And the honest and the legal way, let me say here in passing, is not to give a five hundred dollar bond in 1865 and let that bond remain fifteen years. The penalty is five hundred dollars for mistreating one body, and the law requires a bond to be given whenever a body is taken. And then the law means that there should be a record. They never understood this word. No legislature ever stood in this building that would have dared to pass a law if they understood that it was to be executed as this has been. The law requires a bond to be given whenever a body is taken, and the penalty is five hundred dollars for anybody violating that body. It was never intended that a bond should be given, nor you never could have got it through the legislature, if there could have ever been a governor benighted and besotted enough to sign such a bill — which there never was — if it had been understood that they could give a single bond for five hundred dollars, running fifteen years, and taking all bodies just as fast as they would come to them, and paying such a price for transportation that they were offering inducement to get them quite as fast as they died, and perhaps hastening their death for that reason. This law requires, first, that the overseers of the poor are to be consulted. It is not to be left to Mr. Marsh or to anybody else.

The Chairman. Not the overseers of the poor in a town where there is a State institution, I take it.

Gov. Butler. What?

The Chairman. I take it the overseers of Tewksbury have nothing to do with a State institution.

Gov. Butler. No, sir; but the law says that the overseers of the poor are to be notified, and give their consent. It was meant to be a check. It meant that the human frame, — which there never has been yet found on earth a tribe of men so besotted, so benighted, so savage, that they didn't treat it with the utmost

respect after death, except the bodies of their enemies, and then they treated them somewhat like as did the English nation when they disemboweled a man for treason. The law didn't mean that that body, for which there is an instinctive feeling of love and reverence; which we are going, on the 30th of this May, to surround its grave with flowers and emblems; you and I are going to — the law did not mean that that body should be, without any record kept at Tewksbury, without any record kept at Harvard, delivered over to Miss Manning to be carted down here, and finally find its resting-place in the pit with everybody's else body, which is not a decent burial. And, therefore, under these circumstances, this law not having been carried out, I want to know, if I can find out, how many of these bodies have been so used. I have got a record of some of them, and I want to compare that record with the Harvard College record; and I cannot compare that record, because Harvard College has not kept its bodies distinct from other bodies; and, therefore, I must ask, with your leave, where they got the other bodies, and then, by getting their record, I can come to a conclusion.

I am obliged to my brother for calling to your attention that I have been sustained in every instance by the committee. I am glad that I was so near right. It is a gratifying retrospect. Now, I am not examining anything else but Tewksbury, and I am not trying any other institution. I have no business with any other institution. I am not asking whether those institutions gave their bodies rightfully or wrongfully. I am only asking, How many did you get? from where? — so that I can test the accuracy of the account. I am not going into the question if they got them from Deer Island, for instance; I don't care how they got them; whether they were delivered rightfully or wrongfully; I only want to know the number they got. I am not examining any other institution; I am not undertaking to examine any other institution. God knows that I have labor enough imposed upon me by this investigation without it. I am upon the question of how many bodies were got, because I mean, if I can, to show that in this case, as in every other of accounting, that account may be, and is, wrong. Not that I want this money into the treasury. God forbid that we shall have this money for the Commonwealth. But I do want to understand, and have it understood, that no part of this money has ever gone to the treasury; but it has gone into the hands of the managers of this institution, who have been, for

years and years, in its possession, and have, upon the proceeds, got from Harvard College on the one hand, and paid it back for the education of their children on the other.

Mr. Brown. I want to say a single word in addition to what I said before. After listening —

Gov. Butler. Well, is he to have the close every time?

The Chairman. This is his proposition, Governor, and I take it he has the close.

Mr. Brown. Take your own rule as you laid it down.

The Chairman. We will try to enforce the rule hereafter.

Gov. Butler. I am very glad you have come to a conclusion to enforce it — I suppose when it will operate against me.

Mr. Brown. Now, Mr. Chairman and gentlemen —

The Chairman. Wait one moment. Your Excellency called our attention to the rule and thought it ought to be enforced. I thought perhaps we would enforce it, but not because it will operate against you.

Gov. Butler. *Post hoc non propter hoc.*

The Chairman. Your Excellency can reply if you desire.

Mr. Brown. Mr. Chairman and gentlemen: I am endeavoring here to submit to this committee evidence upon which I desire to meet the charges which have been made by His Excellency. From the first day of January, when His Excellency was inaugurated, up to this hour, he has had the opportunity and the power to have brought Harvard College in here, and to investigate the very subject which he says now he wants to bring out on cross-examination with this witness. Why didn't he summon the officers and faculty of Harvard College with their books when it was his duty to put in this case? Now I want to say I don't purpose to dodge this in any way, shape nor manner. I propose to produce testimony to show how many bodies went from Tewksbury to Harvard College, and when I get through, if His Excellency thinks that he can contradict any witness that I have produced, by producing any testimony in rebuttal, from Harvard or anywhere else, it is open to him to do so; and I submit that it is not open to him until then. Another purpose for which this line of inquiry is now to be made, is simply for the purpose of bringing in other institutions, which were not open to you to investigate, and no right to investigate under the order under which this committee is sitting, and which, in my judgment, it would be an outrage to attempt to investigate in the absence of the parties who are to be affected by the inquiry. Now

I close, Mr. Chairman, and I am perfectly willing that His Excellency should have the next five days in which to answer me, if he wants to. I close, and I say to this committee that this testimony is not admissible, on two grounds. In the first place, because it tends to investigate an institution other than Tewksbury, in no way ever suggested or outlined by any inaugural address, any political stump speech, or anything else that I have ever heard from the time I left the service in 1865, down to this hour. In the second place, it is entirely within the discretion of this committee to say what they shall do, and in the exercise of the discretion which the court are always taking the responsibility of exercising, His Excellency lost his opportunity to go into this investigation, because he didn't summon his witnesses and pursue this line of inquiry when he was putting in this case. And if I should now close, and this were a court of justice, and His Excellency offered this evidence in rebuttal, it would be limited strictly to the question as to whether he could contradict, by the testimony proposed, the witnesses which I had already offered. And I say again, that His Excellency and this committee shall have the fullest opportunity to know how many bodies have been shipped from this institution during any time covered by this inquiry. And when we have produced the testimony, I say again that if His Excellency believes it wise for you to spend time in any attempt to contradict me, I have no doubt the committee will give him an opportunity in rebuttal to meet that issue. But now the inquiry is not proper; it ought not to be pursued; it cannot be pursued except by inflicting gross injustice upon people who are not here present, and who cannot be here present; and I think the inquiry ought not to be pursued.

Gov. Butler. I should like to say one word, may it please the committee, and I have but a word or two. In the first place, it is not a thing unheard of, although my brother thinks it is a great wrong, — and I agree with him fully, — of a man's being investigated before a legislative committee without being present, — so that that objection is not a real one, — in this, that I am being investigated as to where I was by a legislative committee, now, without being present, or notified to be present. Therefore, that won't do us, and that, my brother thinks, is an outrage. I don't say so. Now, there is another matter. I never heard that a man can't strengthen his case by the cross-examination of the opposing witness, and getting testimony out

from him, except in the circuit court of the United States there is the rule; but in our courts the rule is right the other way, and you have the right to examine a witness about everything which shall sustain your case.

The CHAIRMAN. The question for the committee is, whether the question shall be answered by Dr. Porter, how many bodies were received from elsewhere except Tewksbury?

Mr. LEARNARD. Pending the decision of the question, I move the committee adjourn. The motion was carried.

Adjourned to Tuesday, at 9.30 A.M.

THIRTIETH HEARING.

TUESDAY, May 15.

The Committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

GOV. BUTLER. May it please the committee, Mr. Fairbanks has prepared the list of comparison of unaccounted for inmates which I spoke to you about, and I desire to put it in now, because then I shall not have to be at the expense of his detention any longer.

The CHAIRMAN. What is the paper, Governor?

GOV. BUTLER. I had reason to believe that there were a large number, or a considerable number, of inmates carried on the registers as present, and who went to swell up the average, when taken from the register, who were not there. I called to the attention of the committee that I had at last got an account from Tewksbury through the board of state charities, of the people actually in the institution. I have had that list compared with the register, and find a very considerable number who are not accounted for by discharge, or death, or absconding.

The CHAIRMAN. This paper is the list of persons not accounted for?

GOV. BUTLER. Yes, sir; and I desire to bring it to the attention of the committee, now, because Mr. Fairbanks, as an expert, of course, is under pay, and I desire to relieve the Commonwealth from the expense at as early a day as possible.

The CHAIRMAN. I suppose it may go in.

Mr. BROWN. I have no objection.

LORENZO S. FAIRBANKS (*recalled*).

Direct examination by Gov. Butler.

Q. Now, Mr. Fairbanks, have you examined the registers of the Tewksbury almshouse and the alphabetical list given by the board of health, lunacy and charity of the inmates actually

found there on the first of May, and also the list furnished of the discharges, which are not on the registers, because the registers were here between the first of March and the first of May, as furnished by Mr. Charles Marsh; and will you give the result of that comparison. A. I have examined them, and the result is a list of names of persons who are, by the register, inmates of the institution, — that is, they are not marked as "dead," "discharged," or "absconded." I took all the blanks when I went over the two registers, eight and nine, checked off all the blanks of that character, — that is, all the names which had opposite them the blanks headed "died" and "discharged." And in each case where I found the blank I went through with this list which I have, the list furnished on May 1, 1883, of the actual enumeration, actual inmates present.

Q. That is the state board of health, lunacy and charity's list? A. This is headed "An alphabetical list of the inmates of the State Almshouse at Tewksbury, made up under the direction of the board of health, lunacy and charity, May 1, 1883, and transmitted to His Excellency the Governor, May 2, 1883, at 3.45 P.M. by F. B. Sanborn, secretary of the board." These lists are lists of those discharged since the last report, and lists of admissions, — that is, these sheets, as I understand.

Q. Since the last report, you mean? A. It is headed so.

Q. What? A. It is headed, "Discharged since last report," — I suppose that means in any roll. It is a list purporting to be a list of those admitted and discharged since the books were placed in the hands of the committee, so that it is practically a completion of the register in sheets.

Q. This was furnished by the clerk? A. This was handed to me by Mr. Marsh, and, I suppose, furnished by him.

Q. Now, then, what do you find, sir, upon examination of all of them? A. I find a list of names, numbering 53 or 54, I say 53 or 54, because there is one I am doubtful about, who are not accounted for on the register or in this list. I find, besides that, six names of persons who were admitted between April 13 and April 30, up to the very day when this list was furnished, and I have put those separate, because there may be a little discrepancy on account of the precise time when this list was made. There are 53 names, besides those who were admitted between April 13 and April 30. These names, of course, if this

was a correct list, May 1st, these names should appear on here, or appear on these sheets as having been discharged.

Q. And they don't? A. They do not. I find No. 66,098, William E. Smith, registered "Died November 21, 1882." On the list furnished I find "William E. Smith," same number, "Discharged April 23, 1883."

Q. He died when? A. Marked on the register as having died November 21, 1882, and on the list furnished me here as discharged, April 23, 1883.

Q. Then, were there some where the names were duplicated, say John Smith or John Sullivan? A. There were quite a number of that kind, and there were some of them, — in one instance, Mary Sullivan appears twice on this list, and then on the list furnished here, Mary Sullivan appears as having died; and there are six or seven of those. There are a number of these cases where, the names being similar, it was very difficult to ascertain whether there was really a person in the institution by that name. It could be done by a very careful search, but I have not time to do it. I should have to examine through perhaps the whole register and take off each one and the numbers, and then strike off those who appeared to be discharged. In one or two of these cases I simply let the matter go; I didn't follow the examination any further.

Q. That is to say, where it was very uncertain on account of the similarity of names, you didn't include those in that list? A. I didn't include them, I struck out —

Q. They may be there and may not be? A. Yes, sir; they may be there and may not be.

Q. Therefore, if I understand it, Mr. Fairbanks, the result is that fifty odd people have gone into Tewksbury that never have got out, by any record, and are not there now. A. That is the condition, so far as the record gives us the information, the situation.

Q. Now, then, making up the record, making up the report from the register to get the average number of inmates actually there, by which to divide the ration, or divide the expenses, if there was no other result, it would appear 56 larger than it ought to? A. If the list was taken from the register, it would.

Q. It must be taken from there or else nowhere, must it not? A. It must be, I suppose; I don't know.

Q. That is, it must be taken from there or nowhere, so far

as books were given to you. A. There is one name here which perhaps I ought to call attention to, which is included in the list. 64,026 stands on the register Mary Dunn, alias Nora Heafey. On this list, furnished May 1st, there is the name of Norah Healey, and if I was going to guess at it I should say it meant the same person. I have put it here, but I have written a memorandum in pencil, "Norah Healey, still in."

Q. That would make the 53 or 54? A. Yes, sir.

Q. Besides the six. A. There is another case here which may be simply an error. I don't know how that is,— the case of Timothy Kelliher. I presume he is the same man who was called here as a witness, and I have examined his testimony, and he says on March 30th, when his testimony was given, that he was discharged "last Saturday;" that would be the 28th, and he was admitted at the last time, January 22, 1883, according to the register, and is not marked "discharged." That might be, possibly, in consequence of the absence of the register and not making a memorandum of it, or something of that kind. There is another one that is somewhat doubtful, and that is 37,264, Catherine Tobin, alias Tolan, — where they go by aliases it leads to some confusion, — admitted September 29, 1871, and I find in the inmates' cash-book $5.35 to her credit.

Q. It don't appear when she came out? A. The record is blank, same as the others.

Q. The record is blank as to her coming out? A. Yes, sir; and there is no name here that is like it. I have been as careful as I could where these names were liable to be confused, but I don't mean to say that I have not made some possible error in consequence of that. There are a great many persons in there of similar names, and I have been as careful as I could.

Q. But you believe your list to be substantially accurate? A. Substantially accurate, subject to some little mistake.

Cross-examination by Mr. Brown.

Q. Mr. Fairbanks, do you pretend to know anything about how the daily average which has been spoken of at this institution has been obtained? A. No, sir; I do not.

Q. Don't know anything about it. You don't know whether the daily average which has been published, and which has been named in the reports of the institution from time to time, has been taken from the actual count of inmates, or whether it has

been taken from this volume which you call the register, do you? A. No, sir.

Q. You don't know anything about it? A. No, sir; I don't know anything about it.

Q. Then, sir, if it should be taken by actual count, all this performance of yours is useless, is it not? A. I don't know about that.

Q. Can you conceive of any purpose for which it would be useful, supposing the average of inmates and the number of inmates were taken by actual count; can you conceive of any purpose for which it would be useful; if so, please tell us what it is. A. I can, if I may state it.

Q. Be kind enough to do so. A. If the register of the Tewksbury almshouse shows that there are the names of fifty persons standing upon it who are missing, it strikes me to be a very useful inquiry to know what has become of them.

Q. Well, now, Mr. Fairbanks, as an expert and a man who understands keeping books for almshouses and all that sort of thing, won't you be kind enough to tell me that if Timothy Kelliher on the 28th day of March left the institution without the knowledge of any officer and didn't return on the 28th and was not there on the 29th, what entry you would make in any book? A. Well, I should make no entry, probably, at the time, and, perhaps, I would not know it; I would not know it.

Q. I will assume you knew it. A. You will assume I know he went away?

Q. I don't think you would do anything unless you did know it. A. I should know that he was absent, probably, in some way or other. If I thought that essential to keep the accounts correctly, it should be noted; but it don't follow that as soon as a man steps out of the almshouse the book-keeper knows he is absent, or has absconded, even.

Q. And, therefore, you would not make the entry "absconded," or "died," or anything of that kind, "transferred," or anything of that kind, because you would not know anything about it. A. I certainly should not do anything; if I didn't know anything about it I could not make the entry, sir.

Q. Then, because you found a man is not accounted for on that register, — or first, before I put that question, have you inquired of anybody the history of any one of those men whose names you placed upon that list? A. Oh, no, sir; I could not do that.

Q. Made no inquiry whatever? A. No, sir.

Q. And, therefore, you don't know whether any conclusion which you have here announced is correct or whether it is false? A. Oh, I don't know as to the conclusion: I simply say this, that there is no conclusion about it, excepting that these names appear there and the record shows that they are inmates.

Q. Did you ever have any experience in keeping muster-rolls or pay-rolls or daily registers of soldiers in the army? A. No, sir; I didn't go into the army.

Q. Do you know how a man is registered upon the pay-roll or the muster-roll who is a deserter and there is no knowledge of it except he is absent? A. Not from actual knowledge, I can't say.

Q. Don't know anything about it. Now, I should like to see that list Mr. Marsh gave you, please. These are the sheets, are they? A. Yes, sir.

Q. Now, Mr. Fairbanks, I would like to ask you what right you had to expect any entry upon those books when you knew that for the last thirty days they had been in the hands of this committee. A. I didn't say anything about that, and don't suppose they could have been.

Q. But you were careful to mention the fact that all these names on this list have not been accounted for in these books, weren't you? A. No, sir.

Q. You weren't? A. No, sir.

Q. Didn't you say that 54 names were found on the books which were not found on these papers and of which there was no record?

Gov. Butler. You have got the written papers.

A. I think you misunderstand it altogether.

Q. Let me see if I understand it; please state it again. A. This is a list of the names that appear undischarged.

Q. Undischarged; and you got it by a comparison of this list with these books, didn't you? A. As far as they went, certainly.

Q. As far as they went. A. The other list is in addition to the books; it is substantially all the record if it were complete.

Q. Wait one moment! Haven't you testified that you called on Charles Marsh for an account of inmates received, discharged, died, transferred, and so forth, since the date

when these books were delivered up to the committee? A. I said he furnished me —

Q. Wait a moment! Didn't you so testify? A. I don't know that I said I had called upon him for a list.

Q. Very well: didn't you wish the committee to understand that these papers represented a list of the names of persons who had been discharged, transferred, or died in some way, since these books went into the hands of the committee? A. Yes, sir: I so understand it. If there is any mistake about it —

Q. Now, did he furnish you with any list of the names of persons admitted since the books went into the hands of the committee? A. Yes, sir; this was the same.

Gov. Butler. This is the continuation of the register which I called for and he brought.

Mr. Brown. I think I understand it, sir, exactly.

Q. Now, Mr. Fairbanks, I would like to have you tell this committee what right you had to expect that 54 men whose status had been changed since these books went into the hands of the committee would have any record of that fact upon these books? A. I had no expectation there would be any record there, sir.

Q. And when you made that report you made it with the distinct and complete understanding on your part that Mr. Charles Marsh had had no opportunity to change that record for the last month, didn't you? A. Yes, sir.

Q. (By Gov. Butler.) Now, Mr. Fairbanks, were you present when I called upon the committee to have Mr. Charles Marsh make up his register of names admitted, and discharged, and died since the books had been in the hands of the committee, — up to and including the first of May, so that we might have a complete register up to that time; you were here, then, weren't you? A. Yes, sir.

Q. Did he furnish you that as the completion of the register up to the first of May? A. Yes, sir; and I had a conversation with him in regard to it.

Q. And then you, assuming this to be a completion of the register, examined that in connection with the register, as if the register had been completed up to that time, and found men that hadn't been discharged appeared; and your list goes back, not within the last thirty days, but as far as December 14, 1865? A. Yes, sir.

Q. All unaccounted for. Now, you were asked whether there was any occasion to know where these men are, in connection with this list, if the weekly averages were made up by actual count; wouldn't it be a convenient thing to find out whether these fifty odd people were in the land of the living or in the vaults of Harvard College? A. I should think it would, sir.

Q. And is there anything to show whether every one of these men has not been taken out and carried there, and left unaccounted for? A. Not in that register; I have not gone beyond that.

Q. (By Mr. Brown.) You got your information as you have stated, and in no other way? A. Certainly.

Q. You had no other data before you except these papers which you have now exhibited to this committee? A. Certainly; and Mr. Marsh distinctly told me that this was a list of all those received and discharged from the time when the books came into the possession of the committee to May 1st. And I had a talk with him as to whether it actually included all those that were actually in the institution the night of May 1st or the night of April 30th; and I haven't put in one of the date of May 1st, and I expressly called attention to this of May 30th, and back as far as May 13th.

Q. (By Gov. Butler.) You mean to say April 13. A. April 13th. I have been very careful not to make a mistake. I don't say I have not. It is a very difficult matter; I should not be at all surprised, and I should not feel bad at all if they showed me I had made half a dozen mistakes.

Q. (By Mr. Brown.) Now, won't you refer to the name which His Excellency referred to as having possibly been disposed of in 1864, of which there is no record? A. 1865, — Margaret McDuffy.

Q. What is her number? A. 24,632.

Q. If I understand, Mr. Fairbanks, the record which you would keep would not represent the actual number present in the institution, as you have testified. You say if a man should abscond on the 28th of March and not return on the 29th, you would not make any entry opposite his name till you found something out about him; so there would be two days, at least, when the register would not show the actual condition of things. A. The book-keeper is liable to all these things; he is liable not to know what becomes of a party; he might wait to find

out, and he might, possibly, forget it. — subject to these contingencies.

Q. What do you recommend to supply that contingency? A. I don't recommend anything, except care.

Q. You would not change the method of book-keeping? A. The register is well enough.

Q. You say the register is well enough. A. The register is well enough.

Q. That is, that way of doing business is well enough, isn't it? A. I think it is.

Q. Simply the book-keeper ought to be very careful that as soon as a man has been disposed of in some way, to search for his whereabouts, and as soon as he finds out record it. Now, do you recommend any other way of knowing where the inmates are except that? A. Well, I think there ought to be some way to know whether a half a dozen had escaped during any one night or day.

Q. What would you recommend; a roll-call, every morning, of these inmates? A. I don't hardly believe it is my business to recommend to this committee how to run an almshouse.

Q. You are an expert, and I want to know how to improve this thing.

Gov. Butler. An expert in book-keeping, not an expert in almshouse-keeping.

Mr. Brown. He seems to be an expert in book-keeping, wear and tear, and everything; I thought, perhaps, he might have another specialty. But, I have no desire to be frivolous, Mr. Fairbanks, and I want to know, candidly and sincerely, if there is any way in the world which you can suggest by which a more accurate account of these inmates can be kept, and, if so, this committee want to know it, for the benefit of the Commonwealth and this institution.

A. Well, I think that register is well enough in its place. There should be some means of knowing whether the persons actually registered there are present or not, I think.

Q. Now, what do you recommend; what do you think would cover the case? A. I should want time to think of it.

Q. In all the time — A. It may be a roll-call, or it may be some system such as is adopted in hotels, kept in the office, slips of paper, so every person should be known: so it could be known at any moment where he is, and whether he is there or not. I think if it was a hotel that had 936 inmates, and there

were slips of paper on a board showing that there were 50 there, and they were not, it would be a strange way of keeping the account, — 50 rooms occupied, and they were not.

Q. Then, in other words, Mr. Fairbanks, in all the attention you have given to this subject up to the present moment, nothing has occurred to you which in your judgment would be an improvement on that register? A. No, sir; I have said that over and over again. I think the register is very good.

Q. Now, let me come to another point; if the account of the inmates present in the institution were kept as you suggest with regard to a hotel, that would involve the services of another clerk, of course? A. Well, I don't know that, even.

Q. Would you think that a man could keep all these books and do all this business and keep a record of 900 and odd inmates every day on the modest salary which you suggested the other day? A. Yes, I think it would be a very simple plan to adopt, a board with slips of paper kept in with straps of leather or anything else, and if an inmate was reported as absconded, you immediately slip his name out and put it in a box or some other place where it would be known. It could be done in a minute, — done in five seconds.

Q. What would you do with these papers after you had taken them out? A. I should consider it, and if he had absconded, — I should destroy them, and enter them on the book. I think anybody with wit could find out how to do it.

Q. Do you think you could keep any better track of a slip of paper than of the man himself? A. I should use the slip for my own guidance. It is a simple matter. I suggest it might be done; I know it can be done as well as anything else.

Q. Now, I want to know how thoroughly you have gone over this business; these 54 names is an exhaustive treatise on this subject, is it? A. Yes, sir.

Q. It covers every possible defect in that record, doesn't it, that register? A. I will tell you how carefully we went over it. It has taken a long time and been a very laborious task. In the first place, I went through it with Mr. Records, he calling off the names, and then each of us, before we checked them, examining this list, or one examined it in the first place, and if he didn't find the name the other ran through it. That was our first examination, which took two or three days. Then I checked this line, and wrote off these names; and as I wrote them off, I examined every name as I wrote it down, and be-

fore I wrote it down, to see if there was any possible mistake; and I have done it with great care. I don't say that there is not a mistake; I would not swear positively that there is not a mistake; I believe there is not; I believe it is made with all the care that I could devote to it, and with the certainty — with almost the certainty — that I might make some mistake. I give it for what it is worth, and believe it is correct; but, of course, it is open to an explanation.

Q. Now, let me see if I understand you; this list of persons discharged since last report, died since last report, — have the entries suggested by these returns been made up in this register? A. No, sir; no, sir; the registers have not been made up.

Q. The register is not complete? A. No, sir.

Q. (By Gov. Butler.) Now, I want to ask you whether you do find on the registers numbers of entries of persons who have absconded? A. Yes, sir.

Q. The register might be kept, you think, so it would show: but it hasn't been, that is all? A. Yes, sir.

Q. Show the number of people there, but has not been so kept? A. Yes, sir.

Q. This is not the fault of the system; it is the fault of the execution. I want to call your attention, sir, to another matter which you find about an entry upon the cash-book, which, for further edification, you want to correct.

The Chairman. What is the page? [Referring to the record.]

A. It is page 926, relating to the case of the estate of Lydia Sholes. When I testified as I did in this case I had before me the inmates' cash-book and a list of erasures, and I was giving an account of the money disposed of in the cash-book where there had been erasures. I didn't look at those where there were no erasures. In subsequently examining the cash-book, I find right below, on the same page, that Lydia Sholes is credited in the cash-book with $87.84. It is marked as having been paid; and that entry is correct. I was questioned pretty closely on that point, and for that reason I want to correct that. It is no error of mine; it is simply showing that the $87.84 was in the inmates' cash-book, and it was transferred.

Q. Was there another entry in the same place? A. The erased entry I was testifying about, and the $87.84 was cor-

rectly transferred to the cash-book; there was no error about it any way.

Q. Now, I want to call your attention whether on the same inmates' cash-book there was another Ellen Sholes with an entry of money to her credit? A. Yes, sir; that is the one I was testifying about. It was entered twice.

Q. Or else there were two Ellen Sholes. A. It was the same number; the same number of inmate.

Q. The same number entered twice on the inmates cash-book? A. Yes, sir; nothing wrong about it; I merely wanted to have it understood I hadn't made a mistake.

Q. (By Mr. Brown.) I want to ask you a single other question: I notice you have William E. Smith, 66.098. In the register you see he is marked, "Died Nov. 21, 1882," and on the list furnished, the same number, "Discharged, April 23, 1883," — how do you know that is the same number, or should be? A. By reading it.

Q. As Mr. Marsh didn't have the register before him, how do you know but what he referred, or intended to refer, to some other number? A. That is his fault and not mine.

Q. Do you consider it his fault if he made a mistake and didn't have the books with him? A. It may not be a fault of a serious nature.

Q. May not be an intentional error? A. May not be an intentional error; no.

Dr. Charles B. Porter (*recalled*).

Cross-examination by Gov. Butler.

Gov. Butler. Perhaps Dr. Porter don't care to press his objection this morning about answering that question.

The Chairman. The question is, whether the witness still declines to answer the question.

The Witness. I do.

The Chairman. When the committee adjourned the question was pending whether the Governor could ask Dr. Porter whether, as I understand it, whether the Harvard Medical School received bodies during the time he was connected with the school from elsewhere than from Tewksbury. Was that the question, Governor?

Gov. Butler. The question is, where else did he get the bodies, and how many.

The CHAIRMAN. He was asked the question, did he get bodies from anywhere else, and he said yes.

Gov. BUTLER. Then I asked him where he got them, so I could trace them.

The CHAIRMAN. The question is, whether the doctor shall answer the question as to where they got the bodies from, except from Tewksbury.

Gov. BUTLER. And the number.

Mr. WOLCOTT. Mr. Chairman, I move that the question be not admitted. We are investigating Tewksbury almshouse, and the only connection that this whole train of evidence has had with that, as I understand it, has been repeatedly stated to consist only in the fact that the bonds for the proper disposition of these bodies have not been carefully pursued. I don't see what connection the naming the other sources from which bodies have been received has with that bond, and I shall vote that the question be not admitted.

Mr. MURPHY. Mr. Chairman, I hope that the motion of Mr. Wolcott will not prevail, because it seems to me I can see a reason for asking that question. As I understand the question, the idea —

The CHAIRMAN. Will you allow me to make one suggestion?

Mr. MURPHY. Yes, sir.

The CHAIRMAN. There are four members of the committee present who were not here to hear the debate yesterday. It is an important question, and I should like to have the counsel on either side re-state the reasons for and against the admission of this question, unless the committee —

Mr. MURPHY. I am perfectly satisfied, although I have read the evidence of the latter part of the session, yesterday, and I know pretty well about it.

Mr. RISTEEN. I should like to hear the reasons.

The CHAIRMAN. It seems to me the burden is on the Governor to show its admissibility, and he may go ahead and state it in ten minutes. Mr. Brown shall reply in ten minutes, and then the Governor shall have five minutes in closing, upon the competency and admissibility of the question.

Gov. BUTLER. What we are discussing is not the limited matter which has addressed itself to the mind of one member of the committee, in my judgment. A large number — I don't know how many — of the bodies of residents in the Common-

wealth have been sent to the Harvard Medical School, without, so far as we are instructed, any record being kept at Tewksbury. They have been received at Harvard, and disposed of, without any record being kept there, except memorandum-book record, which was carelessly, or carefully, destroyed at the end of each year. The price paid is uniform, and the witness refers us to the books of the treasurer to find out how many bodies have been received at Harvard. We go to the books of the treasurer, and we shall find so much money paid for dead bodies, and, dividing that by fourteen, we should find the number of bodies,—fourteen at a certain time and twelve at another being the divisor. But the difficulty just here is that all the dead bodies have been mixed up. That is, those got at other institutions, which it is in evidence there were,—got from other sources, which is in evidence there were, have not been distinguished from those got at Tewksbury. We are without record. Now, we can't find how many they have received from Tewksbury until we can find out how many have been received from anywhere else. We cannot find out how many have been received from anywhere else till we learn from the witness the sources from which he got them, and the number which he got. Then, having got that knowledge,—where he got them,—we can then go to those institutions, where we hope there will be a record, and find out the number he got from them; and then, deducting that from the whole number, we get the number furnished by Tewksbury. And we are investigating Tewksbury; we find the number sent from Tewksbury, and received by that school. Taking two other schools, we shall then get the whole number, provided some have not been sent into New Hampshire or Maine, or sent in other directions from Tewksbury, we shall get the whole number sent to the medical schools of this State who had a right to call for them. And by looking at any physician's bond, where he has given a bond, if there is any such case, for a given body, we shall be able to find exactly how many of our fellow-citizens have been disposed of in that direction.

And there is no other way, under the circumstances, of finding out. You cannot get at the fact. For instance, I am referred, to ascertain how many of my horses have been sent to the Metropolitan Railroad, to their record, and they give me the whole number of horses that they have received: and they say, "Besides your horses we received some from other sources."

"How many did you receive altogether from other sources?" Deduct that number from the number they actually have received in all and I get the true number, barring mistakes. That would be the common and ordinary way of putting in evidence, would it not? That might occur any day in any investigation. Deliver so many barrels of flour on board a ship: the record is lost: I want to know how many barrels of flour that ship has of mine. I go and say, "Let me see your manifest:" if they have it, and the manifest shows that they got from other people so many barrels, and they had so many barrels in all, then that remainder is my number. If the manifest is lost or burned, lost or gone, then I say, "Well, who else shipped flour with you?" "Why, John Smith & Co., James Brown & Co.," and so on. I then go to James Brown's books and John Smith's books, and find out how many barrels of flour they put on board the ship. Having found that out, I, after seeing that these were all, — if I have got the names of all that put flour on board that ship, from the shipping office, then I can tell how many barrels I have got on board or had on board there. It seems to me the ordinary and common course of pursuing the inquiry. I am not investigating James Brown nor John Smith & Co., where they got their flour, or whether they attempted to smuggle it or didn't smuggle it on board that ship. All I want to know is, did it get aboard? It is not an investigation of them or their business. It is only finding the fact of a given number of articles being furnished by a given firm: and then I, having that, can find how many articles my servant furnished and didn't give me an account of, or some description, by deducting the one from the other.

I find it difficult when I am about to argue the question of competency, precisely as I should find it difficult to find an authority for bringing a suit on a promissory note. Everybody knows that that can be done, but there is no authority, particularly, about it. And I have the same difficulty here. It is a common, ordinary method of finding out how many things are lost by showing how many were on board the ship, or lost anywhere else, or on a rail car, or a rail train, lost by fire. Why, this same question, the same class of questions, this same class of evidence, comes up in every insurance case tried in the Commonwealth, almost. For instance, let me take, — I will stick to the flour at present; I make claim upon an insurance company. My flour warehouse burns down. I have my own flour there,

and consignees' flour there. The books and all are gone. I want to find out how many barrels of flour I have got there. Why, I go to all my consignees and get an account from them of the number of barrels they had there, and then I deduct that from the whole number there, and then I find how many I have a right to call on the insurance company for. That is exactly this case in that it illustrates the competency. There may be a little uncertainty that may be depending upon memory, but that is an objection to the weight and not to the competency at all. That is the ground upon which I put it.

Now, if it is understood that the body of a human being is not of as much consequence as a barrel of flour, or a pig, if John P. Squire's pork establishment should burn up, why, then, perhaps, the immateriality of it,— if it was not of any more consequence or any consequence at all, — the immateriality might be urged against it. But here is a pretty solemn business, as I understand it. By the law of the land Tewksbury almshouse was to give the body of an unclaimed person, to be buried at the public expense, to a physician, who should call for it and give a bond that it should be properly cared for. Now, there was a necessity that there should be a call for each body, and a bond given for each body, because the bond ought to say, "The body of 694," or 6094, "Margaret Jones," if you please, "born in Ireland," so as to identify it. Now, then, the condition of this bond is that if this body is used for the purposes of dissection and its remains are decently buried, then this obligation becomes of no effect. Now, if that course had been pursued, and that is what the law intended and what the law is, beyond all question, why, then, there never could be any mistake; and hereafter, at any time when it becomes necessary to identify, for the purposes of a succession in an estate, or for any reason, Margaret Smith, she could be accounted for. But that has not been done. Nay, it has been concealed, as if these people having to do with this, knew they were doing something wrong in the way they were doing it. There is no wrong for the benevolent, except one, for the lawful purpose, the proper purpose of this act so carried out. There is no wrong in delivering over, that is no legal wrong, in delivering over the body of an unclaimed person to dissection, guarding it as the statute required it should be guarded, and men carrying out that law in good faith, and not for the purpose of making money, for the thought of money does not occur in that statute. There is no

wrong, and, therefore, it may be done as openly and as fairly and as properly, and more so, than any other business. And the law has thrown guards around it. The law requires a record of the death upon public records, and the disposition of the body in every other case, and it does in this case, let me say, a record made of it; and a man cannot dispose of a body in this Commonwealth without information of the authorities and a proper record and proper permission.

But here is a different condition of things. Here, for a series of years, without any bond, bodies were carried off in the night-time, without record, without count, and sent to this college, received without record, without count; and we are here in the distressing condition of being obliged to inquire into the credibility of the witnesses and the doctors, that we can go to their memories to account for our fellow creatures.

Mr. Chairman, under these circumstances, however high and respectable the people that had to do with this, having confessed that they kept no records upon this thing, and having confessed that they have not carried out the law upon this thing, — for that is the condition, there are only a few bonds covering long spaces of time, and bodies were delivered here for years and years before any bond was given at all that has been produced here, and Brother Brown claimed that he produced them all, — I say, under these circumstances, should not there be the fullest inquiry? Should not that be permitted? Men of science, great love of science, great love for their profession, have given their bodies to institutions. We have the case of Dr. Warren here; but that requires high culture, long familiarity with the dead and the living in all stages of sickness and death, when the body almost appears to the physician as a rotten casket of an immortal soul. And the physician may bring himself up to a point where he thinks his own body may be given over to dissection. Be it so. That is what he has a right to do. But with the poor, with the humble, with people that have not been educated up to that, nay, with some on this committee, or I mistake them very much, there is a sanctity about the casket which encloses the soul that makes us honor it.

Now, gentlemen of the committee, this is a government of equal rights and equal laws for all men, and a pauper has as much right, and a pauper's friends have as much right to his body as the richest. Now, suppose in my inaugural address I

had suggested to the legislature it is necessary for the purpose of science that 1,000 dead bodies, and there is a scarcity at that, should be delivered there for dissection every year, and I recommend the passage of a law by which the first 1,000 that shall die after the first of January shall be so delivered over, or ten every month be chosen by lot. Can you imagine the righteous howl of indignation that would have gone up all over this country, — not only the State but the country, — at such a law, however carefully it should be guarded, because that would have touched your child, sir, and mine, your wife, the beloved casket of your mother. Under our constitution and laws the poorest man has the same rights that the highest has, and we are here to guard those rights, those sacred rights of ours and of his; and yet the argument is made that I shan't be allowed to inquire where the bodies of the poor are gone. Why, we don't sentence our prisoners in the State Prison to have their bodies sent for dissection, because that would add a new horror to the terrors of imprisonment in the State Prison; but we have learned here, however, Mr. Chairman, that when sent to Tewksbury for burial they have been sent for dissection. Well, that is clearly not within the almshouse. Nay, we have learned that the outer covering of the box, and, of course, the coffin, which I don't suppose was very valuable, but the outer coverings of the box have been sold for two and three dollars apiece.

Will you limit the inquiry, upon the whole? It is a matter within your discretion. I called your attention, as bearing upon this question of the right of investigation, yesterday, to the fact that by legislative precedent the presence or absence of a party, even, to be investigated, is not a determining circumstance. I call your attention, also, to that legislative precedent in which, when a question was raised, after the doors were opened, and we can see what was done, the chairman of that committee, a lawyer, said "we are not governed by the rules of evidence in a legislative hearing. Legislative hearings are not conducted according to the rules of evidence of the court:" but here I insist that I am within the strictest rule of the strictest court. [Loud applause.]

[The Chairman ordered the doorkeeper to put out of the room any person found applauding.]

Gov. Butler. I would ask every friend of mine here neither to express assent nor dissent to anything that is said here.

There will be a time when we can express our feelings on these questions without interfering with proper decorum here.

The CHAIRMAN. Now let us adhere to that.

Mr. BROWN. His Excellency has capered like a young colt around this question, kicking up with every step a quantity of dust which seems to have been intended for no other purpose except to obscure the principle which we are here to discuss. I have run my eye over this order under which you are sitting, and I find that you are specially charged to investigate the charges of mismanagement against this institution at Tewksbury, and nothing else. Now as we proceeded, His Excellency came to the question of the disposition of bodies in the Harvard Medical School, and what was done with the remains: and he thought he had discovered that the authorities in that college had made a great mistake, and that they were guilty of serious error in not having properly disposed of these remains, or in the language which he used, given to these remains a decent burial. I objected to the inquiry. And then His Excellency, in a very plausible way said to the committee, that this bond provides, this bond which this institution has given to the trustees at the almshouse at Tewksbury, provides that these bodies shall be decently buried.

Gov. BUTLER. As I hear the reply it would be fair that I should call your attention to what I shall say. I didn't say the bonds did. I said the statute required it.

Mr. BROWN. You said that the statute required a bond to be given and you called for the bonds, and I have produced them, signed by Oliver Wendell Holmes and Dr. Henry J. Bigelow. There is no question about the sufficiency of the bonds, not a particle, and never has been up to this moment. No case has yet been made out sufficient to justify going a single step further. If you take a single case and assume that the remains of John Smith, who came from another institution than Tewksbury, have not been decently interred, there is no man on this committee who will say that there can be any remedy or any action upon any bond filed here in that matter, not at all. It is absolutely beyond the provision of the statute, and I find no remedy, no cause of action which could be brought upon that bond. Now, I noted with a great deal of care with what remarkable ingenuity His Excellency has put to this committee the question in regard to the mutual rights and relations of the rich and the poor. It has absolutely nothing to do with this question.

The people of Massachusetts have said by legislative enactment since 1830, that the bodies of those who have no friends — not the bodies of those who have friends, but unclaimed bodies; not the bodies of persons who have friends coming to take them and bury them and afterwards strew their graves with flowers — those are not the bodies that are taken under the provisions of this law. And not one syllable, from the hour when His Excellency made the charge in his inaugural address, up to this moment, has ever come to this committee or been published in this Commonwealth that any man, woman or child seeking the body of her deceased relative did not find it and was not satisfied, except perhaps the body of the child which had been disposed of according to the testimony of Mr. Chase, and the funeral ceremonies pronounced over a block of wood — an absolute falsehood from beginning to end, as we shall show when we come to that point. Now where is the wrong? We are discussing a matter which is purely within the imagination of His Excellency: nowhere else. Nowhere else has there been — and I appeal to every man on this committee, — has there been a relative in this room who has said that the dead body of a loved friend of hers or his, sought for at Tewksbury, was not found, was not delivered — not one. What, then, are we pursuing? what are we pursuing? I ask. Nobody has been wronged. Not a single body ever went to Harvard College from Tewksbury that ever had a claim made for it upon this evidence. Then I shall show hereafter, when I go into it, I shall show you that some of the bodies delivered to Harvard College, when the law had been complied with and the body delivered within the provisions of the law, sought for by relatives, have been taken from the institution and the relatives satisfied and no complaint comes to you about that, — if it is necessary to go into that. Now I ask this committee again, what are we doing? Is it any of our business what bodies came from other places, and how many? Not at all. I remarked yesterday that one of the reasons why this committee should not investigate this matter was because it involved the investigation of the character of parties who were absent. His Excellency very ingeniously calls my attention to the fact that he is being investigated because he is absent.

Gov. Butler. No; while I am absent.

Mr. Brown. While you were absent? Well, I beg your pardon: it was an investigation of your absence, and not while you are absent. And there is no reason under heaven why you

cannot appear before that committee and explain the whole business.

The CHAIRMAN. We had better not go into that.

Mr. BROWN. Well, I am only going into it as far as His Excellency did.

Gov. BUTLER. No reason, except that I have not been asked.

Mr. BROWN. I know they will be glad to have you before them, and I will give you an invitation.

Gov. BUTLER. You don't belong to that committee. You don't run the whole State.

Mr. BROWN. We don't either of us, as to that matter.

The CHAIRMAN. That is a good deal of a question.

Mr. BROWN. So that, in my judgment, that has nothing to do with this case; not the slightest. The question is, whether you will spend your time in trying to ascertain what other institutions have delivered bodies to the Harvard Medical School. Well, His Excellency entered a disclaimer, yesterday, that he didn't care to know if the institutions were out of the State; and I understood him to say he didn't care if they were from other public charitable institutions in the Commonwealth. Now, I say that he has lost his chance by every rule of law. And as he says that the rules of law, and says the chairman of another committee has said, that the rules of law do not apply to a legislative committee, I invoke, Mr. Chairman and gentlemen, the rules of good sound horse sense, and I ask you to apply those. The real, practical, true way to get at this, is to let His Excellency rely upon my promise, — and I will make it good, — that I will show every body that went out of Tewksbury to that institution, or to any other. And, then, if His Excellency shall believe that my witnesses have not testified to that which is true, it is perfectly competent for him to call anybody within the reach of a subpœna, and bring them in here in rebuttal, and show to this committee that the testimony is false. This is an investigation. Your attention has been called to that fact. This is an investigation; and His Excellency stands in the unique position where he can call every man, woman and child in the Commonwealth. He has the whole power of the Commonwealth and of the treasury behind him. And when he has called a witness who testifies against him, he is not under a cloud; he is searching for the truth. But, with me, I am limited simply to reply to the charges which he makes, and to

the evidence which he has produced. Now, with this great field before him, with the entire scope of this inquiry within his comprehension, he has seen fit, for purposes of his own, not to call any officer of the Harvard Medical School to find out what bodies they have had from Tewksbury; not at all. That was open to him. He could have done it. The treasurer, the faculty, the overseers, with every book and paper in their possession or under their control; this demonstrator of anatomy, with all his memoranda, — everything was open to him. And if he had not confidence in the management at Tewksbury, that is the very way he would have gone to work. He understands that. And now, when the committee have given me the time to answer what he has shown, he undertakes, on cross-examination, to ask this witness, not anything which I have inquired about in the direct examination; neither does it pertain to any other subject about which you are charged with investigating. And I say that this whole matter being within the discretion of the committee, — I care not whether the committee apply the rules of law; if they should, His Excellency has no chance whatever; and I understand that because he invokes the authority of another committee, the chairman of which says the rules of law don't apply, — there is nothing left for you but to be guided by your own good sense; and in the exercise of that good sense and judgment which you have manifested all through this hearing, — the Governor smiles; but I mean what I say; and I don't say it for the purpose of flattering any member of the committee; it meets with my entire approbation — in the exercise of that good sense. I say to you, gentlemen, that I don't see how it is possible that you can extend this inquiry into that which is really none of our business.

Now, His Excellency has had something to say about the law,—the statute of Massachusetts. Well, I don't care to discuss that with this committee now. Hereafter I propose to have something to say about it. When all the members of the legal profession who want to get into print, have discussed it in the columns of the "Herald," I shall probably make a review of the subject, and express my opinion. But until that time comes, or another time comes, which, I trust, will be vouchsafed to both of us, I don't intend to express my opinion about this law. I am now going to give this committee the facts just as they are. These people who have had the management of this institution, and the people of the Commonwealth, are plain, common peo-

ple. There is not a man, woman or child with a piece of property in Massachusetts who could not be deprived of it if His Excellency should apply all his wit and all his talent to the dispossession of that person of the object of his title. But that is not the way public affairs are administered. The plain, common people of Massachusetts have given to this subject their plain, common good sense. Inspired to do that which was fair and honorable, to do that which was kind and charitable to every party who came within its jurisdiction, no people, in my judgment, have made better selection of public officers than the people who put in charge of the almshouse at Tewksbury the man who has been there twenty-five years within a few days, and a man who has got, scattered throughout the Commonwealth to-day, friends in every position, who have been true to himself, and have received from his lips kindly words of encouragement as they struggled along the great highway of life, and have gone out from the institution strengthened with new purposes and inspired with new ideas. I say that those people have exercised their own good, plain common sense. And that is all I ask this committee to exercise. That is all, gentlemen, that in the judgment of the people of this Commonwealth will ever be worth anything in the hereafter, is the good, sound, plain English common sense, with an honest purpose inspiring every act of a man's life. The question as to whether I can, like a sleight-of-hand performer, manipulate this or that or the other, whether I can so disguise myself and the thing I am doing that nobody will understand me, is not the thing which inspires us. It is the plain, clear, solemn, solid fact of truth, and that is all,—that is all we are after.

Now, I ask just in a single sentence: Of what earthly use can it be to know that twenty-five bodies went to the Harvard Medical School from some institution in New York, or at Deer Island, or some other place? Will it aid you in your judgment upon this subject? His Excellency suggests that many people in the Commonwealth have a great dislike to this business. Anybody doubt that? He says it requires a certain degree of refinement, qualification, education, to get a man into that condition of mind where he is willing to give his body for the purposes of dissection. I will admit that. There is nothing new about that. But, Mr. Chairman and gentlemen, do you believe if a thing is right you should cater to the prejudices of ignorant persons in order to prevent disagreeable sensations, unpleasant

comment, or anything of that kind? I submit this question to the committee, and I have no desire to say another word. I believe it to be unfair, I believe it to be immaterial, I believe it to be absolutely without use or profit to any man, to follow this line of inquiry.

The CHAIRMAN. Now, Governor, you have both had twenty minutes, and if you will take not more than five in closing, — unless you choose to.

Gov. BUTLER. Pardon me, I must reply to that, Mr. Chairman, as Prince Hal did to the tavern bill of Falstaff —

> "Oh, monstrous! but one half-pennyworth of
> Bread to this intolerable deal of sack."

I will try to be brief. In the first place, I want to correct one or two misstatements of fact, into which the ardor of the learned counsel has led him. He says no witness has been produced before this committee who asked for a body and didn't get it, or whose relatives asked for a body and didn't get it. Why, how short the memories of some of us are. The nephew of Ellen Allen sat there the other day and testified that his father went for his aunt, the day after he got the notice, to have her buried with the rest of her relatives, and he could neither get body, money, gold ring, bank-book, clothes nor shawl, — all had disappeared. Nobody has contradicted that yet, and nobody will.

Mr. BROWN. Somebody will, Governor, and they will be prominent citizens of Gloucester.

Gov. BUTLER. Nobody will successfully contradict the fact. Now, then, did he hear of the poor woman from Salem, who took her last money to get a coffin, and went up the day after she was notified, to get the body of her sister — of her husband, and could not get it? Have you forgotten how it was testified here that those two old ladies came up after their sister, with a nice coffin, and offering money to get the body of their sister, and could not get it, and didn't get it? Where is the body of the man that ought to have been in that empty coffin which I took up, and which, I understand, the committee have burned — which is very well: it should cumber the ground no longer. Have we forgotten? Are we to be hoodwinked with strong, unfounded, incorrect, untrue assertions of evidence? Why is this to go out to the world as a statement of fact? But I pass from

that. Now he says that, instead of asking this witness, I may bring the books of the treasurer of Harvard College. That is true, and I could have brought them; but I knew they would show nothing, just as the witness swears that they would show nothing. And it is when that I bring the treasurer's books, showing the amount of money paid, that I shall be able to show how many bodies have come from Tewksbury — and it is for that reason I want to know about those that came from elsewhere.

Again, he says, I may call everybody here. True; I might call everybody. But as they can receive bodies from every almshouse in this Commonwealth, under proper circumstances, what would be said of me if I had called the superintendent of every almshouse, and the keeper of every public institution? You would have said I was wasting money, and I should have been; therefore I didn't do it. I want to know just the place he got them from, and then I have only three or four or five places to examine, and save all that trouble. Now, may it please the committee, there is but one excuse for the witness not answering this morning. This witness may refuse to answer the question upon the ground that he may criminate himself. Inform me of that and I am done; it is that which is his right. Now, this question has left, by the reply, the region of law and the region of public action; and you have been invoked to exercise horse sense; second, common sense, and then English sense. I hope you won't exercise either of them. Exercise good Yankee sense; that is what I want you to exercise. We are told that the people of good sense have an opinion upon this, and I believe so, sir; because a year ago I brought the attention of the people to these very troubles and difficulties, and they have exercised their good sense, and therefore I am here investigating a wrong in the way I have done. Therefore, I ask you to exercise the good sense that the rest of the people have done and have this investigation. Remember that this institution has been twice before investigated without any result. This investigation has produced results if we go no further. Now let us have a full and thorough investigation that shall satisfy the people that anything wrong there has been or will be corrected, and that the poor people who lie there on their dying beds, and know that they are soon to go into that last receptacle, the pauper's grave, that at least in that their dust shall be sacred.

The CHAIRMAN. The question is, shall the question be answered?

Mr. PUTNEY. It seems to me that this question involves really two questions. The question is, as I understand it, how many bodies did you get, and where did you get them?

Gov. BUTLER. Yes, sir.

The CHAIRMAN. The witness has not been asked how many; he has not declined to answer that question. The question has not been asked how many he got.

[At the request of Mr. Chamberlain, the question under discussion was read by the stenographer — "Where else did you get bodies?"]

Mr. PUTNEY. I should say that that was hardly admissible from the fact that it is hunting up other institutions which certainly are innocent so far as our investigation goes. If it is a question of how many he received, I should vote in the affirmative. It seems to me that is hardly admissible in this investigation.

Mr. MURPHY. I want to say that I hope the motion made by Mr. Wolcott will not prevail in this committee. I notice that whenever a question comes before us with which Harvard College is connected, the usual fair judgment of the gentleman does not come up to the front. I can see myself where this question has a bearing on the matter before us. I think the gentleman opposite [Mr. Putney] misunderstands the result to be arrived at.

Mr. PUTNEY. I will state that I was here through the full session yesterday, and noted with a great deal of interest every word that was said, and followed it as closely as I was able. I still think if the question were admitted it would have a tendency to cause the committee to drift away from the subject before them, because I don't know how many other institutions might be brought into this field of investigation. Certainly, if we get Harvard College before us, we have enough.

Mr. MURPHY. The statement was made very distinctly that what was wanted to be arrived at was this: how many bodies went from Tewksbury to the Harvard Medical School. That is the result to be arrived at by answering the question. Whether they got twelve or twenty has nothing to do with it, but we want to know how many.

Mr. RISTEEN. It seems to me if the witness is able to tell

the number of bodies he received from other sources it won't be necessary for him to mention from what source he got them.

Mr. PUTNEY. I assent to that. But if he is not able to tell, I think it is a proper question to ask, so that the governor may be able to ascertain for himself.

The CHAIRMAN. The question is not how many, but where.

Gov. BUTLER. I propose to follow it. I cannot find the knowledge of the witness unless I know where he got them, to see if he is correct.

Mr. PUTNEY. If I understand the condition of affairs at present, it is this: His Excellency desires to find the number received at the Harvard Medical School. Well, now, if the witness can answer the number that he received from elsewhere, and their books show the gross number that he received, it seems to me very easy to get at the number from Tewksbury.

The CHAIRMAN. I suppose we must pass upon the question.

Gov. BUTLER. I am willing to change the question and ask him if he can tell the exact number got elsewhere.

The WITNESS. Is that a question I am to reply to?

The CHAIRMAN. You may answer if you see fit.

The WITNESS. I can, in a majority of years, accurately.

Q. (By Mr. PUTNEY.) I would like to ask one question right here: whether or not the change from $12 to $14 for transportation was made since the witness had charge of the institution or not? A. I think it was, sir.

Q. You are not sure? A. I am not sure.

Q. (By the CHAIRMAN.) Then I understand the witness does not decline to answer as to the number received from other places. A. No, sir.

The CHAIRMAN. Then that question is limited. Has any other member of the committee anything to say?

Gov. BUTLER. But he says he cannot tell accurately.

The WITNESS. I can tell accurately on the majority of years, but there are two or three years when I cannot.

Q. (By the CHAIRMAN.) You are willing to tell as nearly as you can? A. As nearly as the account rendered will allow. And I have looked these accounts over, and I find I can tell accurately for a number of years covered by this period.

The CHAIRMAN. Then the witness is ready to answer that question.

Mr. BROWN. As to how many. Do I understand, then,

that the other question is withdrawn, and now the question is, how many have been received?

Gov. Butler. I will withdraw the question "where else," if he is ready to tell how many, and then renew it if I think I cannot get along without.

The Chairman. The question having been discussed, it seems to me it had better be settled, unless it is withdrawn. If it is withdrawn, then go ahead.

Gov. Butler. Very well, sir.

Q. (By Gov. Butler) How many were got in the year 1879? A. You mean from elsewhere than at Tewksbury?

Q. From elsewhere than at Tewksbury? A. No, sir; I cannot tell you accurately —

Q. Stop a moment. Answer my question. Can you tell me how many were got elsewhere in the year 1878? A. No, sir.

Q. Can you tell me how many were got elsewhere in 1877? A. No, sir.

Q. Can you tell me how many were got elsewhere in the year 1876? A. Yes, sir; seventeen.

Q. How many were got elsewhere in the year 1875? A. Twenty-seven.

Q. How many were got elsewhere in the year 1874? A. Seventeen.

Q. How many in 1873? A. Six.

Q. How many in 1872? A. Seventeen.

Q. How many in 1871? A. That is the year, sir, in which that transfer was made of the accounts which I spoke of yesterday — transferred to the treasurer of Harvard University; and these are the only ones I have been able to consult.

Q. Then you cannot tell me with the exception of these four years last named? A. Five, sir.

Q. Then all prior to that time you have no knowledge of how many? A. No, sir.

Q. And all since that time you have no knowledge of? A. I cannot identify how many came from Tewksbury and how many from other places, but simply the sum total of the number received.

Q. Well, now, then, how do you get the number in 1876, we will say? A. Because it is entered correctly on the account as 44, and the 17 from other places.

Q. Did you make that account? A. I made that account, sir, and I looked it over yesterday.

Q. Where is that original account? A. That is in the hands of the treasurer of Harvard University.

Q. And the other years — is there an original account for them? A. The others are the same.

Q. Made by you? A. Made by me.

Q. When did you make it? A. At the end of each year when I handed in my account.

Q. And he has those? A. Yes, sir.

Q. And he has no other accounts to your knowledge? A. That is all I know of — my own account.

Q. And these are for those five years out of the ten which you were there? A. Yes, sir.

Q. The other five we should have to go elsewhere to find out about, shouldn't we?

Gov. Butler. Well, now, simply what I want to know is, where to go elsewhere to find out, that is all? You cannot find out by going to Harvard College. I am content with the years given, but now I want others. And now I come back to the question, gentlemen of the committee. There is no record and there is no means of finding out how many. He cannot tell and I cannot find out unless he is willing to tell me where I can go.

The Chairman. Does he say there is no record?

Gov. Butler. Certainly he does. Didn't you hear it?

The Chairman. No, I didn't hear him.

Gov. Butler. Well, I am sorry.

The Chairman. He said the treasurer had some account.

Gov. Butler. No, he says he can find the account in the treasurer's office that he handed in, but there is no other.

Mr. Brown. And I understood him to say that the reason why he could not tell about these years — subsequent to 1876, I think — was because the accounts were made in such a way that he could not distinguish. Am I right, Mr. Witness?

The Witness. Yes, sir.

Mr. Brown. Now, prior to a certain date when the transfer was made, Mr. Swan kept the books, and the witness had nothing to do with this account. So that there is simply before and after that there is any doubt about.

Gov. Butler. He says he cannot tell in the years 1877, 1878 and 1879; and in 1883, I suppose.

The Witness. I was not demonstrator at that time.

Gov. Butler. Very well. He cannot tell, and he finds no

return of the bodies received from Tewksbury or elsewhere for the years 1877, 1878 and 1879. [To witness.] Although you do find your accounts put in for 1872, 1873, 1874, 1875 and 1876.

The WITNESS. Yes, sir.

Q. (By Gov. BUTLER.) Before that you don't know and since that you don't know? A. No, sir.

[Recess for five minutes.]

Q. (By Mr. PUTNEY.) Mr. Chairman, I desire to ask the witness a question right here, to know why he don't know how many bodies were received other than from Tewksbury during the years 1877–8 and '9? A. It is because in the return which was made to the treasurer merely mention was made of so many bodies received and so much money paid out, and there is no statement as to whether they came from Tewksbury or somewhere else.

Q. And who made this return? A. I made that return.

Q. Same as you had in years previous? A. Yes, sir.

Q. It may perhaps be an impertinent question, but I should like to know why there was any change made in these years from the years previous. A. It was only because I was required merely to account for money spent. That was the only reason, sir.

The CHAIRMAN. Do I understand the governor repeats the question as to where else?

Gov. BUTLER. I now put the question where, so I can find out how many there were without sending to every almshouse and every other place in the State.

The CHAIRMAN. It is moved that the question be rejected. Members in favor of rejecting the question —

Mr. MURPHY. Perhaps it might be well to explain the question, as I notice one member of the committee [Mr. Mellen] has come in since the question was argued before us; he may want to know the particulars.

The CHAIRMAN. I will state the question, if Mr. Mellen desires it.

Mr. MELLEN. I should like to hear it.

The CHAIRMAN. Evidence has been offered to show that bodies went from Tewksbury to the Harvard medical college. That is admitted by the demonstrator who sits now in the witness' chair. Then the governor asks whether bodies were received by the medical school from other places; he says yes.

Now, the governor asks from what other places; he declines to answer. The motion has been made that the question be rejected.

Mr. MURPHY. As I understand it, Mr. Chairman, the question was asked "from what other places," so as to arrive at the number which were received at Harverd College from Tewksbury.

The CHAIRMAN. I don't know; I suppose that is one reason.

The WITNESS. I can state that, with the exception of those three years, accurately.

Mr. MURPHY. I didn't catch what you said.

The WITNESS. I can state accurately how many bodies were received each year from Tewksbury, with the exception of those three years.

Q. (By Mr. MURPHY.) Can you tell in those three years the number received from the other places besides Tewksbury? A. I can tell the total number from all places.

Q. From other places? A. No, sir; the total number received at the school.

Q. But not the total number from other places? A. No, sir.

Mr. BROWN. That would leave it so that if the governor should go to the books he would not find out.

Gov. BUTLER. No. But if he would tell me I can go to the books of other institutions; but if he don't, and I can't find out where they came from, I can't find out how many there were.

Mr. BROWN. Perhaps the other institutions kept their books the same as Tewksbury.

Mr. MELLEN. I want to know if I understand the witness can tell the whole number received, and the number received from Tewksbury.

The WITNESS. In all but three years.

Mr. MELLEN. I should like to know if he has told the committee.

The CHAIRMAN. He has. The witness is ready to answer all questions concerning the number received from any source.

Mr. RISTEEN. I would suggest that the question be changed so he could tell from what source he received them during these three years.

Gov. BUTLER. I don't care for them for any other years.

The CHAIRMAN. He declines to tell where he received the bodies from except from Tewksbury.

Mr. MURPHY. Except during these three years?

The CHAIRMAN. Any time.

Mr. PUTNEY. Mr. Chairman, a few weeks ago we had a witness on the stand about whom we were quite careful as to her reputation being injured, and at that time the information was conveyed to the private ear of the committee, and His Excellency and the counsel on the other side was perfectly satisfied; could not this be accomplished in the same way?

Gov. BUTLER. It would if he can tell.

Mr. PUTNEY. I have not been told yet; he declines to state it to any one: to his own counsel, — I don't mean that, but Mr. Brown.

Mr. MELLEN. I should like to ask him if other bodies were received from other State institutions.

The CHAIRMAN. He declines to state where they came from; that is the question.

Mr. MELLEN. Entirely?

The CHAIRMAN. Yes.

Mr. CHAMBERLAIN. Mr. Chairman: if this had anything at all to do with investigating matters connected with the almshouse at Tewksbury, I don't see why we should not vote to admit it: and, while one of the counsel stated yesterday we had voted every time to sustain the governor in what he desired to put in, — I voted once, myself, to admit the testimony of a man who testified that his father told his mother what his aunt said, which seemed to me to be going a good ways off, — I believe, in every other instance I have voted on the other side. But I cannot possibly conceive how this testimony shall have any bearing whatever upon investigating the matters that belong to the Tewksbury almshouse which are now under investigation by this committee, and I shall vote that the question shall not be answered.

Mr. MURPHY. I should like to ask if the witness has any objection to the proposition offered by Mr. Putney that he give the information in private to the committee.

The WITNESS. I don't think I should, sir.

Mr. MELLEN. Now, Mr. Chairman, this question may have a broad bearing on information that is sought, and I wish to just suggest one thing to my friend Chamberlain, that the fore part of this order under which we are acting authorizes this

committee to investigate the management, control and condition of the several charitable institutions.

Mr. Brown. Of the State.

Mr. Mellen. Of the State, to be sure. Now, if this gentleman will say that these bodies, other than those that came from Tewksbury, have not come from any of the other institutions, I would not feel disposed to press it. But, if the governor has reason to believe that they came from other institutions, and this gentleman will not say to the contrary, it seems to me it is a part of the duty of this committee to ascertain from what one of the other institutions over whom we have some surveillance, some right to investigate.

Mr. Chamberlain. We are now investigating this institution, and I understood the governor distinctly to say, yesterday, that it was not his intention to pursue any other institution through this inquiry. That was the statement which I understood to be made yesterday. That being the case, I shall vote, as this has nothing to do with the Tewksbury investigation, — I must vote against it.

Mr. Mellen. It seems to me, Mr. Chairman, if in this investigation facts are brought out that will warrant the introduction of a bill from this committee looking to the protection, further than they are now protected, of the bodies of paupers who go to our hospitals, it would be well, in order that we might base our report upon good grounds, that we have all the information possible. We have got some now, and it strikes me that the gentleman can give us other information in answering this question, that ought to have some weight.

The Chairman. Any other member anything to say? If not, I will put the question.

[The motion to reject the question was carried by a vote of 6 to 4.]

Mr. Murphy. Now, Mr. Chairman, I should like to make a motion embodying the idea thrown out by Mr. Putney, that the witness be requested to give the information in private to the committee; that includes the govenor and council.

The Chairman. I understood the witness declined that proposition.

Mr. Murphy. I understood him not to decline, but that he would do it.

The Chairman. I suppose if that evidence was given to the committee and not to the governor —

Mr. Murphy. I said the governor, also; that was my motion.

The Governor. I will go on in another direction, if you please.

The Chairman. Go on, governor.

Mr. Murphy. I beg your pardon one moment; I want to know what became of my motion.

The Chairman. Did you make a motion?

Mr. Murphy. I did.

The Chairman. Repeat it.

Mr. Murphy. I made a motion to the effect, or with the intention, that this may be given by the witness to the governor and council and the members of this committee,—embodying the idea thrown out by Mr. Putney.

The Chairman. I don't understand the committee can do any more than submit that proposition to the witness.

Mr. Murphy. I made the proposition after asking the witness if he had any objection, and he said he hadn't.

The Chairman. Now, then, Mr. Murphy makes a motion that the witness be invited to give the information privately to the governor and the committee.

Mr. Brown. I didn't observe what my brother [turning to Mr. Murphy] —

Mr. Murphy. I beg pardon; not brother.

Mr. Brown. No; I will take that back, friend; I didn't understand, not being quite as astute as my friend Mr. Murphy, what the witness did say, and I should like to know whether he is willing to give that information privately. I cannot conceive of any value the information can be to the committee. They have already ruled it is incompetent and improper, and they don't want to know anything about it.

Mr. Putney. Mr. Chairman, when I made that suggestion, it occurred to me that possibly the two counsel, — it might be information which would be valuable to them in order that they might get at the gross amount of bodies received from the Tewksbury institution. While perhaps there is some good reason why the public at large should not know from whence these other bodies came, it seems to me there would be no good reason why the counsel should not know. But, so far as the committee knowing, for one, I don't care to know anything about it.

Mr. Brown. Now, Mr. Chairman, I will make this sugges-

tion, that if His Excellency will proceed to another line of inquiry, and we can have an opportunity for consultation, that, whatever the result of that is, — so far as I am concerned, it is entirely immaterial to me. I prefer to leave the matter right where the witness desires it left. I have no pleasure myself, — but if a consultation can be had and the matter can go over till to-morrow, then we will submit to the committee what is the result of it.

Gov. Butler. I propose, gentlemen of the committee,—Mr. Chairman and gentlemen, — to leave the matter just where the committee have put it.

The Chairman. Go on, Governor, with your examination.

Mr. Murphy. I won't press the motion.

Gov. Butler. So far as I am concerned. Other gentlemen will pursue their own ideas of public duty, as they ought to. I only want to say that I take no part in it.

The Chairman. Any other question to this witness?

Gov. Butler. I have; but the gentleman says he has a motion before the committee.

The Chairman. Oh, no; it is withdrawn.

Mr. Murphy. I withdrew the motion. I made it because Mr. Putney suggested it.

Gov. Butler. Very well.

Q. (By Gov. Butler.) I want to know, — before you told us that the students came there, in the olden time, or till within two or three years, the students came there without any inquiry into their scholastic attainments. Now, you also told us that the anatomy course, wherein dissection was required, was in the first year. At what time in the year did a class enter; I suppose there was some time when they came in; they didn't come scattering along. A. I think they entered in September, at that time, sir.

Q. They entered in September? A. I don't remember. They enter now in October; but I think it was in September at that time.

Q. Either October or September? A. Yes, sir; it was in the fall.

Q. That is near enough for my purpose. How soon after they entered were they put upon dissecting? A. Generally in the latter part of October.

Q. That is, within thirty days? A. Yes, sir.

Q. Now, how much were they required to dissect before

they were supposed, — how much of the human frame were they required to dissect before they were supposed to be in such condition as to require no further dissection; that is, to pass that stage? A. The requirement now is that they shall dissect three parts. In those days there was no absolute requirement; that is, in the first part of my period as demonstrator; it is only under the new management of the school that that has been required.

Q. Under President Eliot it has been so arranged that it is now required that they shall dissect three parts? A. Yes, sir.

Q. And those three parts are the head and the arm, including part of the trunk, and a leg, including another part of the trunk? A. Yes, sir; but it is not required that they shall have dissected each one of those; but they shall have dissected three times one of those.

Q. What? Dissected what? A. Not each one; but that three times they shall have dissected one of them; that is, one student may have taken three parts; if he has dissected two arms and a leg, and not the head —

Q. I understand; each one is required to select to have dissected three parts, — one of three parts? A. Three times; yes, sir.

Q. Yes; three times. Well, that would leave a necessity for a body to every three-fifths of the students, if they all dissected, wouldn't it? A. I should think it would, sir.

Q. And that was required of every medical student? A. In the later years; yes, sir. There have been some years in which it was impossible to procure material for the students to dissect.

Q. The means to carry out the — A. Requirement.

Q. But if you got them it had to be done? A. Yes, sir.

Q. About how many students entered, — and before, I suppose, although it may not have been required of students, it was thought best for the students that they should do so if they could? A. Yes, sir.

Q. Very well; now, I understand; the student, before he was allowed to dissect that part, must have bought it and paid for it at a price you agreed upon? A. He paid for the privilege of dissecting. He didn't buy the part.

Q. He paid for the privilege of dissecting it. Suppose he wanted to take home a hand, for instance, to dissect it at home

and make a preparation of it, any objection to that? A. No, sir.

Q. Would he have, having paid for the privilege, would he have to go to you or any other officer for that privilege of taking it home? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Yes or no? A. It would be asked if the thing might be done.

Q. Was it always asked? A. And generally advised.

Q. Generally advised? A. Yes, sir.

Q. And any record kept of that? A. No, sir.

Q. Now, if a student had this part and the arm, and had said, "Here, I want to make a preparation of this," or, "I want to study it more carefully, can I take it home?" would he be interfered with in so doing? A. I don't remember any such case.

Q. Well, I am asking a fact, without remembering a particular case, whether the course of your school was such that you would have objected? A. I think if it was wanted for study and for increase of anatomical knowledge, it would not be objected to.

Q. I suppose not; and it would have been passed almost as a matter of course, and you would have been glad to have found a student who was so ardent in his profession? A. Yes, sir; that would be understood, if it was to his advantage.

Q. Now, in your record of Harvard that you find in your account, were there any small bodies? A. There were three small ones in one year, sir, I think, since 1875. I stated yesterday that in 1876 there was a course in which they were demanded, and I find on the record that in 1875, in the year of 1875, there were three small ones.

Q. What price was paid for the small ones? A. I don't think any price was paid for them.

Q. These were thrown in as a sort of small change, I suppose. Where did you get them? Now, didn't you return them to the treasurer? A. Merely a record made, sir, of three small.

Q. Did you return them on your account to the treasurer? A. Yes, sir.

Q. Why, if there was nothing paid for them, — I understood you to say, yesterday, there was nothing paid for any body, it

was only transportation, — why, — were these three received all at one time? A. That I don't know, at all, sir.

Q. That you don't know; do you know — A. It simply states that during the year three were received.

Q. Now, why should you not have paid for the transportation of those as well as for the others, for larger ones? A. Well, I have no means of knowing, sir, now, except, if I recollect right, they were probably put in with the larger bodies.

Q. I suppose they were. A. And transported at the same time without —

Q. And transported at the same time. We have had some evidence toward that. Well, now, then, were these boxes, — did you see those three come? A. I presume I did, sir, as I attended to all, but I don't remember the individual three.

Q. You have told us how you attended to all, that you didn't attend to them when they came in the evening. A. I never knew one to arrive in the evening, sir.

Q. What? A. I never knew one to arrive in the evening.

Q. Never knew one to arrive in the evening? A. No, sir.

Q. Now, you told us how you attended; suppose some of them arrived between one and five, — you would not be there, then, according to what you told us yesterday? A. No, sir; but it would have been reported to me as soon as I arrived.

Q. I am not asking what would be reported. Now, were the same boxes for transportation, so far as you know, used during the same time, during that time? A. I am not sure that they were used the whole length of the time; that there were not different ones.

Q. They were of the same general character? A. Yes, sir; of the same general character.

Q. Now, then, during this time, in the boxes of the same general character, there was room to put in little ones, besides the big ones? A. Yes, sir.

Q. So that there might have been, in every box that came that you didn't see actually opened, there may have been plenty of little ones? A. That I cannot say, sir.

Q. What? You cannot say? A. There was plenty of room.

Q. There might have been? A. I have no knowledge.

Q. You have no knowledge, of course; and you might have no knowledge? There were three during that year; that was 1875. Now, let us return a little to what we were saying. A

raw boy comes into that college, — I am speaking now of the olden time. He don't know anything of science or anything else, so far as you know; within a month after he gets there he goes into the dissecting-room and dissects the bodies of women and men, if I understand it, dissects what he pleases, as much as he pleases, and paid $2, no, sometimes he didn't pay anything, for the privilege, and then he went out, if he chose: if he got sick of the matter he left and went home, did he? A. Do you mean me to answer categorically to the whole of that, sir?

Q. Yes; I mean before President Eliot reformed the institution. A. He could not dissect as much as he pleased.

Q. No; as much as he paid for? A. As much as he paid for; yes, sir.

Q. Very well. A. And not what he pleased, because it was assigned him.

Q. He was assigned the parts. A. And when he had finished a year, or finished half a year, if he chose to withdraw from the school he could do it.

Q. Certainly. Then I will narrow my question to this: He comes in without knowledge; in thirty days he is set to dissecting men and women, — parts were assigned him to dissect, and we are told what those parts are: and, whenever he got ready, — he paying a dollar, or two dollars, or whatever it was, for the privilege, — and whenever he got ready he could withdraw from the institution, could he? A. Well, not by the payment of a dollar for dissecting, sir; because he would have paid his term fee either for the half term or for the year.

Q. I am now talking about what he paid for dissection in addition to his term fee; and when he got through, he left when he chose, of course? A. Yes, sir; as he would from any institution.

Q. And did he get his term fee back, — any part of it? A. That I don't know, sir; it was a matter for the treasurer.

Q. You don't know. Now, then, what science did that boy have that the body of a human being should be turned over to him at that stage of his knowledge, or any portion of the body of a human being, — that raw boy, without knowledge, so far as you knew, thirty days afterwards put on to dissecting my sister's body? What science called for that? A. He was there to learn the science.

Q. He was there to learn the science, and he was there to

learn with that preparation. Now, we will suppose that a prurient boy, who wanted to see how a dead woman looked, — could not see a live one, — he goes and buys a piece, dissects, and goes away; all that could be done, couldn't it, — a boy with a prurient imagination? A. If he wanted to pay that price for it, I suppose he could.

Q. He would only have to pay a dollar, or a dollar and a half, — about the price of a seat at the opera? A. He would have to pay his term fee.

Q. He would have to pay his term fee; but you don't know whether he would get it back? A. I don't know.

Q. And that you don't know; I am sure I don't. About how many in a class did you have? Pardon me, there are persons who are very curious about the human frame, aren't there, — young men? A. I can't answer that question.

Q. What, after your long experience? Well, we have learned here, without having your experience, that they are so curious that they want to make keepsakes of the skins; we have learned that, although we haven't had your long experience. Now, the same depraved taste, that you and I agree is so depraved, might lead him into these other performances that I have been naming. Is there any rule, regulation, by-law, or anything that you know of, to prevent that, — I mean now, prior to two or three years ago, — and, if so, won't you state what it was? A. When each student presented himself to the dean of the faculty he was obliged to bring a certificate of good moral character.

Q. Well. A. And to pay his dues to the dean, or whatever officer was required to receive it; and he was then matriculated and entered as a student. That is all I know.

Q. Very well. Now, then, you have reflected upon this matter of these little ones, haven't you, since you were here yesterday, somewhat. Are you now ready to testify that there were not any little ones, — I mean infants, — in your institution, in any way, shape, or manner or in any part of it, before 1875? A. Not that I recollect, sir; except, as I stated, in the professor's room, to illustrate the fœtal circulation.

Q. Would you agree with our friend, Dr. Hodges, who said that he thought an ambitious, persevering student would be lucky if he could get the body of a year-old infant to dissect? A. I should dislike to disagree with Dr. Hodges, but I think it would be very poor material to dissect.

Q Oh, yes; it might be very poor material. The doctor didn't think it would be very good material, but he thought it would be a lucky man who got it. Do you agree to that? A. No, sir; I don't think I would. I should dislike to disagree with Dr. Hodges, however.

Gov. BUTLER. I understand. We have got to the old case where doctors disagree.

Q. I want to ask you this: has Thomas J. Marsh ever been to you to know, or to find out, about bodies that you have had? A. I don't understand what you mean, sir.

Q. Has Thomas J. Marsh, whom you know very well, ever been to find out how many bodies you had had from Tewksbury? A. I have always settled with him, sir.

Q. I know you settled with him. That was at the time. But I ask you if he has been at any other time to you. You settled with him once in six months? A. Yes, sir.

Q. Now, at any other time, except settling days, has he been to you to find out how many bodies you have got? A. No, sir; because he knew himself.

Q. How do you know? A. I should say he would know himself.

Q. How do you know that? A. I mean to say I settled with him for what I had had, and therefore he would know.

Q. Ah, but he might not have kept account of it. A. That I don't know anything about.

Q. Have you had any conversation with him within six months on that subject? A. I have met him a number of times since this investigation came on. I have seen him here; I have been in the room, and I have seen him here, and talked with him.

Q. You have seen him here? You haven't had much conversation with him here? What room have you seen him in other than here? A. I have seen him at my office, with reference to my coming here before this committee, if it was necessary, in connection with this,—in connection with Mr. Brown.

Q. When was that? A. I think it was two or three weeks ago; it may have been four.

Q. Did you have any talk with him before that? A. I think I have, sir; but I could not state when or where.

Q. Won't you try? Just before that, or two weeks before, or about a month before? A. That I cannot tell, sir.

Q. That is something not in your memory? A. It is in my memory that I have, but I cannot locate the time.

Q. Can you recall what was said? A. Well, it was only a general conversation with regard to —

Q. Number? A. — my coming before this committee.

Q. Anything said about the number of bodies? A. Yes, sir; I think there was.

Q. Any doubt about that? A. No, sir; I have not.

Q. Did he produce any book or memorandum about them to you? A. I think he showed me a statement of what he had sent.

Q. What was that statement in or on; on a book or on a sheet of paper? A. I think it was on a paper, sir.

Q. He showed you a statement made out by him? What did he show it to you for? You knew how many, and he knew how many, because you have just told us. Why should he be showing it to you? What good did that do you or him? A. I don't know, sir; it did me no good.

Q. What did he say he showed this to you for? A. It came up, sir, in general conversation with regard to this matter.

Q. With regard to this matter? A. Yes, sir.

Q. Who introduced that conversation,—you or he? A. I have forgotten.

Q. Was it before or after this investigation commenced, do you remember? A. I cannot state definitely, sir, whether it was before or after. I don't remember when it was.

Q. Had you any means when you saw that statement of telling whether it was correct or not? A. Nothing more than the accounts I had at my disposition then, sir.

Q. Did you go and get more? A. I consulted the records of Harvard University. I had no other data.

Q. And report to him about it? A. I think I have seen him since I have done it, sir.

Q. Did you report to him about it? A. Not as a report, sir.

Q. Well, I don't care; I am not dealing with names, but with facts. Now, Dr. Porter, didn't he want you to examine the books of Harvard College, and see how many there were? Didn't he request that in some form of words, — show you his own statement, and then want you to examine the books? A. He may have implied that, sir; but I don't think it was a direct request.

Q. Was it so implied that you went and did it? A. Yes, sir.

Q. You went and did it, and then you brought back the number, did you, to him? A. I have made only the record that has been handed to you, sir.

Q. I thought this was made last night? A. I did make it last night.

Q. Then you didn't hand it to Mr. Marsh a month ago? A. I never handed anything to Mr. Marsh.

Q. Did you tell him what you found? A. I think I did.

Q. Have you any doubt? A. No, sir; I did.

Q. Then, after all this trial and trouble, we have got to this state of things: that somewhere, a month ago, more or less — and you cannot say how long ago, it might have been before the 22d of March — Mr. Marsh came to you and produced a paper about the bodies, and showed it to you, and then asked you to go to Harvard College and find out about it, implied that; and you did, and returned to him the number: that was it, was it not? A. Yes, sir.

Q. Now, then, how did you then find out the number that Harvard College received from Tewksbury, with any accuracy? A. I have not, with any accuracy, except as I have given them to you, sir.

Q. Then all the information that he found out from you was what you now have gone a second time to get? You found out that in 1872 there were 63; in 1873, 59; in 1874, 50; in 1875, 53 and three small ones. Now, were the three small ones in addition to the 53, or part of them? A. I think they were in addition, sir.

Q. Like the old case of John Rogers, — nine small children and one at the breast. Well, there were 53, and three small ones, making 56 in all; in 1877, no return. Now, those returns which you found in Harvard College for 1877, 1878 and 1879; were those returns your original memoranda that you found at the college? A. No; the originals that I made I stated that I destroyed. Those are the original accounts.

Q. Now, sir, in getting this original number, did you divide by twelve? Did you find the exact number of bodies without going into a division? A. It was stated, the number from Tewksbury, in those years that I have given.

Q. Well, now, it seems that by far the largest number of

bodies came from Tewksbury. In 1871–72 there were 63 from Tewksbury and 17 from elsewhere, all told? A. Yes, sir.

Q. And in 1872–73 there were 59 from Tewksbury and six all told from elsewhere; in 1873–74, 50 from Tewksbury and 17 all told elsewhere; in 1874–75 there were 56 from Tewksbury and three small ones, and 27 from elsewhere; in 1875–76 there were 44 from Tewksbury and 17 all told elsewhere. Do you know whether there were any little ones received from elsewhere? A. No, sir.

Q. No knowledge whether they were or were not? Did you know whether there were any little ones received from elsewhere? A. Did I what?

Q. Did you examine to know the actual receipt of all the bodies from elsewhere? A. Yes, sir.

Q. Any differently from what you did those that came from Tewksbury? A. I don't understand you.

Q. You have told us how you knew about them at Tewksbury, that if they came when you were there you took them, and if not you took it from the report? A. Yes, sir.

Q. Now, is that the same with regard to these? A. Yes, sir.

Q. Now, doctor, how many dissecting-tables would you have going on at a time? A. That would depend upon the amount of material. We have ten tables, sir.

Q. How many dissecting; how many students to a table? A. Five.

Q. Five students to a table and ten tables; that is fifty going on at a time? A. That is, if they are all full, which is a very rare thing.

Q. You would have had them if you could get the material? But that is immaterial, the exact number, for what I am after now. I have got the approximate number.

Q. When those bodies were dissected, the remains, you have told us, were put into these pails and turned into this wooden box every night? A. Yes, sir.

Q. All together? A. Yes, sir.

Q. From your ten tables? The remains of Ellen Jones, Nancy Smith, and Mary Brown and Cæsar Pompey would all be put into the same box? A. Yes, sir.

Q. If you ever dissected a negro — and that box, with the debris and the mixture of everybody's remains, would be sent off to be buried, when it was full? A. Yes, sir.

Q. How long would you be filling one of those boxes? A. That would depend some upon the number of subjects.

Q. Suppose you were in full blast, as well as you could be? A. Well, they are generally a fortnight dissecting a part.

Q. Generally a fortnight spent in dissecting the parts. And they might or might not fill up one of those boxes. Where was that box kept while it was being filled? A. It is kept in a room in the rear of the dissecting-room.

Q. Any disinfectants put into it? A. The bodies were embalmed already before, sir.

Q. Embalmed? A. They are injected with preservative material, so that they shall be in condition to dissect, and that enters all the tissues of the body, so that there is not the tendency to decay that there would be otherwise.

Q. Now, I want to ask you another question upon another point, and that is this: whether any bodies were really reclaimed by friends from your dissecting-room? A. Yes, sir.

Q. How many? A. That I don't remember, sir; I have no means of doing.

Q. Quite a number? A. No, sir; I should think but a very few.

Q. By a very few, do you mean two or three? A. Well, anywhere from two to five in the last ten years; I don't remember.

Q. Just tell me how many you remember? A. I think I remember only two instances.

Q. What were they; men or women? A. That I have entirely forgotten, sir.

Q. How far had they gone in dissection before they were claimed? A. I don't remember the details of the reclaiming, but only that it has been done.

Q. Don't you remember enough about it to know whether a body was returned to its friends whole, or only a portion of it? A. Well, I think whole, sir; I don't remember that there ever was a claim made after the body had been dissected.

Q. By whom was that claim of return made; by the friends or by Mr. Marsh? A. By Mr. Marsh.

Q. He got it back? A. Yes, sir.

Q. Did you get any rebate for transportation? A. No, sir.

Q. Sure about that? A. I am very sure, sir.

Q. All right, I am content; I only want you to be sure; then this is the condition of things: that Mr. Marsh transported to

you a body which he came and got back; and you paid for transportation all the same, and charged it to Harvard College. That was so? A. Yes, sir.

Q. Well, then, there was nothing to prevent him coming? There was a dearth of material everywhere; and after having got ten dollars from you he could reclaim the body and send it somewhere else, and get the money for it, for all you know. A. I know nothing beyond my personal knowledge.

Q. Was the reclamation made on the janitor or on you? A. On me, sir.

Q. Well, will you say that there was not a body brought back, where the body was cut up, and a portion of the remains dissected and sent back? A. I say I have no knowledge of such a thing.

Q. Have you such knowledge that you can say there was not any such case? A. Not to my knowledge.

Q. I ask you, if you have sufficient knowledge to know that there was not any such case? A. Not during my term as demonstrator, that I know of.

Q. Not to your knowledge during your term? A. Nor ever. I mean to say I have knowledge during that term.

Q. Well, now, during that term have you such knowledge as to know that it was not the case. You say you don't know that it was; that is one thing, for want of knowledge. But have you such knowledge of what has been done that you can testify to this committee that it was not done? A. No, sir; I have not; what I don't know, I don't know.

Q. I need not explain the difference to a gentleman of your intelligence. I don't remember, for instance, that a certain horse of mine was not killed without my knowledge, but I could not swear that one could not have been killed without my knowing it, because I should have hunted up that horse pretty soon, and found out where the horse was. You see the difference. Now, I want to know, have you such knowledge of what took place that you could say, I know it didn't happen? A. I know it didn't happen, sir, so far as —

Q. So far as you do know? A. Yes, sir; so far as any observation of mine goes.

Q. Well, now, doctor, how long has the Harvard Medical School been running? A good many years? A. Yes, sir; a good many years; I don't remember how long. I think we are approaching the centennial — nearly a hundred years.

Gov. Butler. I don't believe I want to trouble you any further, sir.

Re-direct examination by Mr. Brown.

Q. You recollect my calling on you with Mr. Marsh, one day, not a great while ago? A. Yes, sir.

Q. Was not the object of that inquiry, doctor, to ascertain whether any other bodies could have been sent to your institution, except those included in the account with Thomas J. Marsh, Jr. — one of the objects.

Gov. Butler. I rather think that is hardly admissible upon any ground of horse sense.

Mr. Brown. I didn't hear that last remark.

Gov. Butler. I say upon any ground of horse sense — under our law. You cannot make testimony by you and your client going down and talking with a man.

Mr. Brown. Well, sir, I am not in the habit of making testimony. I want to get at the fact.

Gov. Butler. I know. But the fact would be what you said and did.

Mr. Brown. You have gone into the question of what interview Mr. Marsh had with this witness. Now, I purpose to ask what did take place when I was present.

Gov. Butler. I asked about no interview when you were present.

Mr. Brown. Well, the doctor answered that he had an interview when I was present.

Q. (By Mr. Brown.) Did you not so answer? A. I did.

Gov. Butler. Well, I didn't hear it; that may not be very wonderful. The only one interview I have asked him about, is where Marsh exhibited his account. I have no objection to your going into it, however.

Q. (By Mr. Brown.) Was not the object of that inquiry to ascertain whether it was possible for more bodies to have been received from Tewksbury than what he had account of? A. Yes, sir.

Q. That was the object. That was after the testimony of Dixwell had been given before this committee, was it not? A. I don't locate it with regard to that. I only remember I had an interview; I cannot tell you when.

Q. Perhaps I can refresh your recollection. Do you recollect whether I called your attention to the fact that Dixwell had

testified that he had several bodies each week for the purpose of dissecting? A. Yes, sir; I do now.

Q. Two or three every week? A. I do now, sir.

Q. Did I not further inquire of you, whether there was a sufficient number of bodies ever received at the institution, within your knowledge, so that he could have had that number in each week while he was a student? A. Yes, sir.

Q. Now, I will ask you the question, was there sufficient material received at that institution during the years he was there so that he could have had two or three or even one in each week?

Gov. BUTLER. Well, this is not going over what I have asked about.

Mr. BROWN. I beg your pardon.

Gov. BUTLER. No, sir; it is not.

Mr. BROWN. You have now gone into the whole number of bodies received at this institution from Tewksbury and elsewhere. That is a fact which I didn't bring out.

Gov. BUTLER. Go on, I shall have a chance to set this all right.

Q. (By Mr. BROWN.) Now, were there a sufficient number of bodies received from any place so that Dr. Dixwell could have had three or four each week? A. The sum total is as given this morning.

Q. And no more? A. And no more.

Q. Now something has been said and you have been inquired of as to whether this man Andrews could not have carried on an illicit traffic in human bodies with Dixwell or anybody else. If the bodies of children, babies or grown persons, had been received in that dissecting-room, and the little compartments in which the bodies were kept adjoining it, received at any other time, could they have been kept there for any considerable length of time without your observing them? A. They would probably have been disposed of between the hours of six and ten. They would have to be received and disposed of before that time, because there was hardly a day I didn't go into the room.

Q. Supposing a human body had been received there at night illicitly, and concealed away by Andrews, you were in the next morning and he would have to get it out before that time or you would have seen it? A. Yes, sir.

Q. Now, you have been asked in regard to this matter of

taking the skin of the subjects from their bodies. And, doctor, I want to ask you, during the ten years you were demonstrator of anatomy there, was there any by-law of the institution which would prevent a student from taking a part of a human body away, without the knowledge of any of the officers of the institution, or which would have at least subjected that student to censure, in any way? A. I think he would have been expelled, sir.

Q. (By Gov. Butler.) What is the answer? A. I think he would have been expelled, but I don't know of any by-law which prevented it, because it was never known to have been done.

Q. (By Mr. Brown.) And there was a sort of common law in the institution by which everybody knew that taking away the material in that way, without the knowledge of the faculty, would be subject to severe censure, was there not? A. Yes, sir.

Q. Well, something has been said in regard to raw young men coming there to the institution who didn't know anything. Did you ever see any such young men there at the institution? A. No, sir.

Q. As a general thing they were of the years of comprehension, connected with the college, and many who have come there came there from institutions of learning, where they had prepared themselves either by graduation at college or from some academy, have they not? A. I don't know as to the previous acquirements of a great many, but a majority are of that stamp.

Q. Now, in your intercourse with the students, have you not found them invariably intelligent, capable, enterprising young men, men of good sense, good disposition and good moral character? A. Yes, sir; as good as in any other profession.

Q. As good as young lawyers? A. Yes, sir; so far as I know; I am not acquainted with any law students.

Q. Or clergymen? A. Or clergymen.

Re-cross examination by Gov. Butler.

Q. Now, I want to see if you really mean to take anything back, and I want to ask you, did Mr. Brown come to you and ask you if Dr. Dixwell, out of the supply that you had from Tewksbury, could have taken three bodies a week? I put that question to you? A. Yes, sir.

Q. Did he make any distinction whether they were bodies of

infants, or bodies of grown people? A. I think the question was asked, whether there were enough infants received to allow such a thing, and I said no, there were not.

Q. I should think upon your statement that there were not any, and all the time you could easily have answered. Well, now, then, I want to know; you left there at six o'clock at night, or after that, and you didn't get there until eleven o'clock the next day, and you were not within a mile and a half of there? A. That is just as good as half a mile.

Q. Now there was time enough for Andrews to have received a cargo of dead infants and disposed of them every day? A. Yes, sir.

Q. Then, what is the use of your answering, in answer to Brown, that it would not have been done without your knowledge? What is the use of that after I have been over all this? That is all.

Adjourned until Wednesday, May 16, at 9.30 A.M.

THIRTY-FIRST HEARING.

WEDNESDAY, May 16.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

TESTIMONY OF WILLIAM A. DUNN (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. William A. Dunn.

Q. And you are a physician and reside in Boston? A. Yes, sir.

Q. What is your place of residence? A. No. 60 Chambers Street.

Q. How long have you been a physician here? A. Since 1874.

Q. Did you graduate at the Harvard Medical School? A. Yes, sir.

Q. What year did you enter? A. In 1871.

Q. What year did you graduate? A. I left the college in 1874, resided a year and three months at the Massachusetts General Hospital, and graduated in 1875. That is, I received my diploma in 1875.

Q. In what part of the year 1871 did you enter? A. In the fall, in September.

Q. That is, commencing with the fall term? A. Yes, sir.

Q. Do you know Dr. John Dixwell? A. Yes, sir.

Q. Did you know him before you entered the medical school? A. No, sir.

Q. Did you become acquainted with him there? A. Yes, sir.

Q. Did you dissect in the room with him? A. Yes, sir.

Q. How frequently did you see him in the dissecting-room? A. Very frequently indeed.

Q. State according to your best recollection? A. My im-

pression is that Mr. Dixwell — he was then Mr. Dixwell — dissected more frequently than any other student to my knowledge. I don't think I would be stating wrongly if I said he dissected every week, for I saw him there every week in the dissecting-room.

Q. Now, how frequently during your entire course were you in the dissecting-room? A. In the three years?

Q. Yes. A. Very frequently. In my first year I dissected a great many times. By the reformation in the system of medical education that had been made, the number of students had been decreased and those who remained had unusual facilities for dissection. In my first year I dissected ten times.

Q. You mean ten parts? A. Ten parts; yes, sir.

Q. Of course, the average time occupied by the dissection of each part would be more than a day?

Gov. BUTLER. More than a week.

Mr. BROWN. Yes.

Q. Speaking in general terms, what would be the time that you would spend on a part? A. About ten days, sir.

Q. Ten parts would make somewhere in the neighborhood of one hundred days spent in the dissecting-room, at least a part of the day? A. Yes, sir.

Q. Now, during all the time that you were connected with the Harvard Medical School did you see a baby in the dissecting-room? A. I never saw a baby in the dissecting-room, sir. I saw a baby in the little room adjoining the dissecting-room.

Q. How many did you ever see? A. In the dissecting-room, sir?

Q. In the little room adjoining. A. One, sir.

Q. Only one? A. Yes, sir.

Q. Did you examine that to see whether it was a monstrosity or whether it was a well-formed child? A. Not particularly, sir.

Q. How frequently did you see the inside of that little room where these bodies were kept prior to dissection? A. Perhaps, five or six times.

Q. And at no other time did you ever see anything like a baby there? A. No, sir, — in the dissecting-room.

Q. Or in the room adjoining where the bodies were kept? A. No, sir.

Q. Only that one time? A. Yes, sir.

Q. Now, sir, while you were there what was done with the

remains? A. Usually, as the student dissected off each part in which he was interested he would allow it to fall into a pail that remained under the dissecting-table The blood and soluble matters, and those parts of the body that were sufficiently small to pass through the hole in a tube, passed through the hole and usually emptied into this pail.

Q. And as the muscles or cords or whatever you were taking off part at a time were taken off, they were placed in that pail, were they? A. Yes, sir.

Q. Do you know what was done with the contents of the pail? A. No, sir; I do not know.

Q. Who was the janitor there while you were there? A. In the first year and a half, or perhaps two years, Mr. William Andrews; after that Mr. Waterhouse.

Q. And Waterhouse was the janitor during the last part of the time you were there? A. Yes, sir.

Q. Only those two janitors? A. Yes, sir.

Q. Do you know what became of Mr. Waterhouse? A. I do not, sir.

Q. Now, sir, do you know whether there were any rules of the institution which required students to dissect all of the part in the room?

Gov. Butler. You mean a written rule?

Mr. Brown. I don't know whether it was written.

Gov. Butler. If it was written I would like to have it produced.

Mr. Brown. We will find out.

Q. Did you know of the existence of any such rule? A. I cannot remember that we were ever told, that we were ever forbidden to take the parts from the dissecting-room. There was no written rule that we knew of.

Q. That you ever saw? A. Sometimes students were allowed to take specimens to their homes, and many students took specimens and preserved them.

Q. Did you have to apply to the demonstrator or to some other officer for permission? A. I didn't understand we were obliged to apply, and I don't know any who did apply.

Q. Now, doctor, have you known Dr. Dixwell since? A. Yes, sir.

Q. How intimately? A. I succeeded Dr. Dixwell in the office of his uncle, Henry I. Bowditch. About that period I

saw him frequently, and since 1875 I have seen him occasionally.

Q. Do you know whether he has enjoyed good health since he left the medical school? A. I know that he has not, sir.

Q. What have you known to be the matter with him?. A. Dr. Dixwell told me that he had an abscess on the liver, and that he has never fully recovered his health since.

Gov. BUTLER. We cannot, under the ruling of the committee, examine other institutions: under the ruling shall we examine other people's livers?

Mr. BROWN. That is not an institution: it is an organ.

Gov. BUTLER. I know it is not an institution.

The CHAIRMAN. I suppose the intention is to show that this operated on the mind or memory, or something of that kind.

Mr. BROWN. It is simply preliminary.

Q. Did you ever have any conversation with Dixwell in regard to a fit of sickness which he had a few years ago? A. Yes, sir.

Q. (By Gov. BUTLER.) Two years ago? A. A few years ago.

Q. (By Mr. BROWN.) What did he say that sickness was? A. He told me that he had an abscess of the liver, and that his health was completely broken down.

Q. Any other sickness? A. Not that I remember.

Q. Let me ask you this. Did Dr. Dixwell ever give you a description of the brain fever which he had a few years ago? Tell us about that. A. I cannot remember that he mentioned a brain fever, sir.

Q. Did he tell you that he had had any fever within a few years? A. Yes, sir.

Q. What was it? A. He said that when he had this abscess of the liver, he had a great deal of fever with it, and he was a long time recovering from that condition, and had remained enfeebled.

Q. Did he say anything about whether this sickness had affected his mind? A. No, sir.

Q. Do you know, of your own personal knowledge, whether his mind had been affected by sickness? A. I thought that it had, sir.

Q. You thought it had? A. Yes, sir.

Q. What evidence did you see that his mind had been affected? Just tell the committee. A. When I knew John

Dixwell in the school he was a very quiet, reserved, pleasant gentleman: a man who stood well in his class, and a man who was considered very highly. When he was in his uncle's office, I found him unchanged. I saw him a short while after his recovery from his illness, and I was surprised at the change in his appearance, and also in his methods of speaking, and in his generally erratic condition.

Q. Well, sir, how did he exhibit this erratic condition? A. He was very nervous and restless, and very frequently would begin subjects, speak of them quickly, and turn to others: and gave me the impression that he was not as sound and as strong, physically and mentally, as he was when he was a student.

Q. Now, did he ever, during these conversations, — did you ever have any talk with him upon subjects with which you were familiar, so as to form an opinion as to whether he was telling that which was correct in point of fact, or whether he was exaggerating largely?

Gov. Butler. I object, may it please the committee, to the question.

The Chairman. Because it is leading?

Gov. Butler. It is the most leading form of a question.

Mr. Brown. I will withdraw the question for a moment.

Q. Now, doctor, I want you to tell me anything which you saw in Dixwell's appearance which led you to the conclusion that he was erratic in his mind? A. I cannot tell you anything else, sir. My impressions were formed from his manner of speaking and his general restlessness and nervousness, which was so very much different from his manner of years before that I took but one inference.

Cross-examination by Gov. Butler.

Q. Doctor, is there any necessary connection between disease of the liver and disease of the mind? A. There is no necessary connection, sir; but it is possible that the mind may be affected after a person has had disease of the liver.

Q. And it is possible for the mind to be affected before a man has abscess of the liver? Quite possible, isn't it? A. Yes, sir.

Q. Very well; then we have got an even balance there. Now, is there any necessary connection between the fever which would be superinduced by abscess of the liver and a subsequent

mental disturbance? A. There is a connection that is generally received.

Q. Now, let us go back and run over the history of Dr. Dixwell. You say he was a nephew of Dr. Henry I. Bowditch? A. Yes, sir.

Q. One of our highest physicians in his day, I believe? A. Yes, sir.

Q. And in the college he was a very close student? A. Yes, sir.

Q. And a very enthusiastic investigator and dissector? A. Yes, sir.

Q. Dissected more than anybody else? A. That is my impression, sir.

Q. Did you know of his having a dissecting-room over at his house? A. No, sir; I did not know that he had a dissecting-room. I have heard him say that he had dissected in his house.

Q. You knew he had a room or building where he dissected in his house? Well, did he press his dissections into comparative anatomy? Didn't he dissect other animals? A. I have never heard him say that he did, sir.

Q. You don't remember that you saw him? A. No, sir.

Q. Now, did he ever say anything to you? While he was a student you say he was persevering and stood well in his class. Now, after he left as being a student, where did he go first? What did he first do? A. I don't know, sir.

Q. You don't know? A. No, sir.

Q. What was the first? Did he go into practice? A. I believe he did, sir.

Q. In his uncle's office? A. No, sir; he was in his uncle's office in the third year of his medical study.

Q. In his third year he was assisting his uncle, I suppose? A. Yes, sir.

Q. Did his uncle die before he got through college? A. Who? Dr. Bowditch? No, sir. Dr. Bowditch is alive.

Q. He is still alive? A. Yes, sir.

Q. Then he set up for himself? A. I believe he did, sir.

Q. Ever in his office? A. No, sir.

Q. Then, after that, did he go into any public employment? A. I don't remember that he went into any institution, sir; I believe he has been connected with several charitable movements here in the city.

Q. Such as what? A. I am not certain that I can remember the name.

Q. Cruelty to children? A. I believe he was director of the Society for the Prevention of Cruelty to Children; yes, sir.

Q. How long did he hold that? A. I don't know.

Q. You don't know? A. No, sir.

Q. Well, several, you say. Do you remember whether he was at any time brought into connection with the police department of the city? A. I believe that he, within a few months, was chosen as police surgeon.

Q. Police surgeon? A. Yes, sir. I beg pardon. If he were not chosen — I am not positive that he was chosen as police surgeon; but I am under the impression that I heard his name was mentioned as a candidate for the office of police surgeon.

Q. Now, whether chosen or not, do you know whether he acted? A. I don't know, sir.

Q. Well, a police surgeon means a surgeon who, when any accident happens to anybody and the police are called, and a surgeon is necessary, that surgeon is sent for? A. Yes, sir.

Q. Well, now, doctor, let us go back to your own case. Did you ever dissect any animals? A. Yes, sir.

Q. Didn't most students — no, I will take that back — didn't most students in love with their profession? A. I think many have.

Q. That is, the better class of students, in the matter of comparative anatomy, I suppose? A. I think a great many of the students have.

Q. Where did they dissect them; in their own rooms? A. Yes, sir; usually in their own rooms.

Q. Did they dissect them in the college? A. Yes, sir.

Q. There was only one place to dissect for students, I suppose, — in the dissecting-room? A. The only place where the students from the class in general dissected bodies was in the dissecting-room. But private students, who prepared the bodies for the surgical class and for the anatomical class, dissected frequently in another room up stairs.

Q. That is to say, a body came from the place where it did come from, and then it was put into the hands of the janitor and certain students who preserved or, I won't say embalmed, but who preserved it, so it should not decay until it had served

its purpose? A. It was not put into the hands of the students. The students did not embalm it, nor did the students inject anything that might preserve the body; that was done by the demonstrator with the assistance of the janitor.

Q. Well, where was that done? In this little room, or in the dissecting-room? A. I am not positive about that, sir.

Q. Well, now, then, there were other rooms for dissection, as you have just told me, except this general dissection-room? A. There was a room where the bodies were prepared for these lectures.

Q. The bodies were prepared for the lectures? A. Yes, sir.

Q. What do you mean by prepared? A. When lectures were to be given upon special parts of the body, that part of the body was dissected before it was brought to the class, to save time.

Q. So as to be exhibited? A. Yes, sir.

Q. So that the lecturer might say, "You see this little attachment," or that? And that was done in still another room? Now, when you say in the dissecting-room, I suppose you mean the dissecting of bodies in the main dissecting-room, where there are eight or ten tables, was done under the eye of the demonstrator, or some officer, was it not? A. No, sir; not always. The students were allowed to dissect at all hours when the dissecting-room was open, and the demonstrator had certain hours during which he visited the dissecting-room and inspected the dissections made by the students. He was not there all of the time.

Q. About how many hours a day was the dissecting-room open? A. From early morning until late at night, sir.

Q. Until late at night? A. Yes, sir.

Q. Was Dr. Porter demonstrator while you were there? A. Yes, sir.

Q. Well, he has told us the hours he was there. He got there sometime about eleven o'clock in the morning, and went home about one, and then had his hour for demonstration between five and six? A. Yes, sir.

Q. Is that the hour you speak of? A. Yes, sir.

Q. Then he took about an hour a day? A. Then the assistant demonstrator would visit the dissecting-room in the evening.

Q. Well, he didn't tell us about that, did he? He said he

went home at six o'clock. A. He was demonstrator, sir, and the assistant demonstrator was Dr. Beach.

Q. He would be there in the evening. How long would he stay, as a rule? A. I don't think his hours were definitely fixed. He usually remained as long as it was necessary.

Q. He came in and remained as long as it was necessary as a matter of inspection, I suppose? A. Yes, sir.

Q. Then from early morning until late at night dissection there went on according to the industry and zeal of the students? A. Yes, sir.

Q. Some students dissect a very little, I suppose, and some a great deal? A. Yes, sir.

Q. Well, now, did they have the sale of these parts while you were there? A. Yes, sir.

Q. A body was paid for as so much, and then the five people to have the five parts they drew lots for the part they should have, I suppose? A. Yes, sir.

Q. Put in even and took their chances of getting a part? A. Yes, sir.

Q. Then was there really any restriction after you had paid for that part of a body, was there any restriction whatever as to what you should do with it, except that you should dissect it or take it home and dissect it? Was there any written rule against that that you know of? A. I don't know of any written rule. Custom may have made the rule.

Q. Custom was, of course, to dissect it there as most convenient? A. Yes, sir.

Q. But if you chose to take it away you took it away and nobody ever said nay, to your knowledge, did they? A. No, sir. But I am under the impression that the authorities would not allow the removal of these parts if they knew it, unless there was some special reason for the removal.

Q. Well, now, that impression you got not from anything that was ever told you or from any written rule. Now, then, except the hour when the demonstrator was there and the short time that the assistant-demonstrator was there, from early morning until late at night the students worked their own sweet will on those parts, didn't they? A. Yes, sir.

Q. And they skinned them if they had a fancy, or they didn't skin them if they had a fancy; they cut them up in any way. Now I want to know if you ever heard of any such thing as a piece of tanned skin? A. I have heard of such a piece.

Q. When was the earliest time that you heard of tanned skin, for instance? A. I never heard of a piece of tanned skin until I heard of it as the result of this investigation.

Q. Let me ask you one question. Did Dr. Oliver Wendell Holmes ever lecture there? A. Yes, sir.

Q. Now, whether or not he had a piece of tanned skin that he exhibited to the class? A. I do not know, sir.

Q. Do you know he did not? A. No, sir.

Q. Can you tell me whether he did or did not, to your knowledge? A. No, sir.

Q. Very well, then, I shall not be able to get that from you. Now, then, as you could take away any portion of the body, could you take away the skin if you chose, if you had a fancy? A. Yes, sir.

Q. You could? A. Yes, sir.

Q. Now, then, were there any — will you say there were no animals dissected in that college while you were there? A. No, sir.

Q. On the contrary you think there were many? A. Animals? Yes, sir.

Q. I mean now to distinguish animals from the cadaver? A. Yes, sir.

Q. There were many. What was done with their remains when they were dissected? A. I don't know, sir.

Q. Were they put into the pail? A. I do not know, sir.

Q. Did you ever dissect any there? A. Yes, sir.

Q. What did you do with the remains? A. I dissected a frog and I allowed the frog to remain where I dissected it.

Q. On the table? A. No, sir; I dissected it up-stairs.

Q. Well, now, sir, did the same janitor clean up up-stairs that cleaned up down-stairs? A. Yes, sir.

Q. Now, doctor, don't you believe that the remains of this animal, from your knowledge of the state of business, and the remains and debris of the dissection-room went in, at last, into the same receptacle; honor bright?

Mr. Brown. What is that, honor bright?

Gov. Butler. It is something that don't interest you.

Mr. Brown. I wanted to see if I could understand you.

Q. (By Gov. Butler.) Now, how is it, doctor? A. I don't think I have any right to say that the remains of these different dissected parts went into the same receptacle, as I don't know how careful either of these janitors might have been.

Q. They might have separated them, but do you know anything that would show they did separate them? A. No, sir.

Q. Well, now, if I understand it, there were ten tables, and there would be how many students at a table; five? A. Five, sir.

Q. Each table, if you had one, would contain a cadaver? A. Yes, sir.

Q. Very well. That is, you didn't cut a cadaver into quarters, and one take one piece to himself and another another; but you dissected the body as a whole, each claiming his part? A. Yes, sir.

Q. And then, as the flesh or the rejected parts were taken off, the smaller matters ran through a tube down into a hole with the liquid matter? A. Yes, sir.

Q. And the larger parts that would not go through that hole were scraped off the table and put into those pails? A. Yes.

Q. And those pails were then, by somebody, carried off and emptied? A. Yes, sir.

Q. Now, did you ever see one of those pails emptied in all the time you were there? A. No, sir.

Q. They were emptied every day? A. They were always clean when we arrived in the morning.

Q. They were always empty when you arrived in the morning. Didn't they sometimes get full, while you were dissecting, in a day, — one of those pails? A. Sometimes; yes, sir.

Q. Then they had to be taken out and emptied, I suppose? A. Yes, sir; although, really, that would not be necessary.

Q. You might leave the debris on the table, or put them into another pail that was not so full? A. No, sir; not necessarily. The dissections go on so slowly that the parts are removed in small pieces very slowly, and the collection would take place, therefore, very slowly in the pail.

Q. But by and by, — well, now, when you got through with a body, and the remains were not to be preserved, like the preservation of the skeleton, what was done with those grosser parts? A. They were allowed to remain on the table, sir.

Q. On the table. And what became of them, so far as you know? A. I don't know, sir.

Q. They went off with those pails, or were taken off by somebody? A. Yes, sir.

Q. Now, there were ten of these pails; there were five of

these pails to a table, and there were ten tables, and those tables were used every day during the time dissection went on, more or less of them? A. Yes, sir.

Q. And that would make, — ten of them, five, fifty; there would be fifty of those pails emptied every day, right in that building; and I suppose those pails were as big as a baby, weren't they? A. They were the ordinary size kitchen pail.

Q. Yes, kitchen pail. Now, as you were there so many years and never saw one of those fifty pails a day emptied, and as they were as big as a baby, there might have been as many babies as that and you not see them, might not there, around there? A. I should think not, sir.

Q. Why not, if you never saw one of these by accident so as to tell me? They were quite as visible as a baby, weren't they? A. Beg pardon, sir.

Q. They were quite as visible as a baby? A. The pails were as large as a baby, but —

Q. And they went into the possession of the janitor? A. Yes.

Q. And you never saw them in the possession of the janitor; now, might not the janitor have possession of as many babies as he had pails, and you not see them? A. He might possibly do so, but the building is small; the Harvard Medical School building is small, and the rooms in which these babies would be obliged to be kept would have to be in a part of the building where disinfectants would be used, and these rooms, so far as I know, are usually open so the students could inspect them as they wished.

Q. Well, now, pardon me, — now, these pails the size of a baby, they were in this same small building, you know, and they had to be emptied in that building or somewhere else, — now, then, there was just the same possibility, wasn't there? A. Yes, sir; and if we wished to see the pails emptied we could do so.

Q. Yes, sir; and if you wished to see the babies you could do so. A. Yes, sir.

Q. That don't help us any. Well, now, then, I want to get to the first baby that you did see; when was that? Because brother Brown opened that there never was one there till 1876.

Mr. Brown. In that dissection-room, sir, for the purposes of dissection,

Gov. Butler. Nor in this room: in the corpse-room, we will call it; dead-house.

Q. When did you see it? A. I am under the impression it was in the winter of 1871, sir.

Q. '71. A. Yes, sir.

Q. That is five years before. Now, sir, in the winter of '71— A. Well, in December; in the latter part of '71.

Q. Yes; you mean in the winter of '71–72. A. Yes, sir.

Q. And it was in the same dead-house where the other bodies came from? A. Yes, sir.

Q. That were kept. What was it in? A. There was a white cloth around the baby.

Q. That is what was around it; was it in a trunk or up on a shelf? A. It was lying on a piece of board, sir: raised above the floor, on the shelf.

Q. On the shelf. There were shelves there for the bodies, weren't there? A. Yes, sir.

Q. Did this have a special shelf to itself, or was it one of the ordinary shelves? A. One of the ordinary shelves.

Q. One of the ordinary shelves where other bodies were laid, and it had a swathing cloth around it: didn't all the bodies have something around them? A. Not in that room, sir.

Q. Not in that room. Well, now, then, was that baby frozen? Did you examine it? A. No, sir.

Q. You saw it: can you tell us whether it was frozen or not? A. No, sir.

Q. And how many bodies were there at the same time? A. I can't tell you, sir.

Q. About how many? A. I should think three or four.

Q. Or five. Well, there had to be as many as about ten there at a time; somewhere from eight to ten, according to the, — to fill up your tables. Well, did you ever see that room more than once? A. Yes, sir.

Q. How many was the most bodies you ever saw there at a time? A. I don't think I saw more than three or four at a time, sir.

Q. Never saw more than three or four? A. No, sir.

Q. Well, now, as you had to use every day, when you were full, eight or ten, where did the rest of them come from? A. The bodies are not always placed in the room at the same time. Students dissect very irregularly, and most likely every day in

the week a fresh body is put on. It is not necessary to have ten bodies placed at once.

Q. I understand; it is not necessary to have them there at once to have all the tables full. Now, I want to ask you whether, — you said that the bodies in this room were naked, — on the dissecting-tables, when they were not in actual use, being actually dissected, I suppose that they were covered with cloths? A. Yes, sir.

Q. Or sheet over them? A. Yes, sir.

Q. And, if a body was not being dissected, it would be covered up? A. Yes, sir.

Q. And, if it was covered up, the demonstrator of anatomy might come in and make an inspection, and what was under it he would not know? A. He would not if he didn't lift the cloth, sir.

Q. Would he lift the cloth if students were absent, when the students had left their bodies? A. I don't know, sir.

Q. You don't know he ever did, do you? A. No, sir.

Q. Then there may have been skins or anything else under that cloth, for all his knowledge. Now, did you ever see a baby anywhere else in that building during the time you were there? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Where? A. In the medical museum.

Q. Was that an ordinary child? A. No, sir.

Q. That had some extraordinary malformation? A. Yes, sir.

Q. Or conformation of some form. More than one? A. Yes, sir.

Q. How many? A. I can't tell you, sir.

Q. About how many? A. It is some years since I have seen those specimens, sir; perhaps four or five.

Q. As illustrating some matter. Well, now, that baby was a new sight to you, wasn't it? A. A new sight?

Q. A new sight to you in the dead-house? A. Yes, sir.

Q. Well, did you make any inquiry about it? A. No, sir.

Q. Anybody show it you? A. No, sir.

Q. Anybody in there with you? A. Yes, sir.

Q. Who? A. Another medical student.

Q. Another medical student; who was he? A. He is now Dr. James A. Fleming.

Q. Of where? A. Of Boston.

Q. Very well; who claimed that body? A. I don't know, sir.

Q. What was done with it? A. I don't know, sir.

Q. Was the janitor there? A. No, sir.

Q. How did you get in? A. The door was open.

Q. Was the door usually open? A. No, sir. I can't remember that the janitor was there; my impression is that he was not.

Q. Yes, I asked you if he was. And the door was open; was it frequently open? A. No, sir.

Q. Now, how did you get in: did you have a key? A. No, sir.

Q. Who did? A. No one, sir; I said the door was open, sir.

Q. But the door would be open if Mr. Cummings took a key out of his pocket and opened it, that was why I wished to inquire; and I want to ascertain, because I understood this thing was closely locked up, till now. It was open this time and you went in? A. Yes, sir.

Q. You didn't frequently go in, did you? A. No, sir.

Q. Very rarely? A. Yes, sir.

Q. Very rarely. Now, sir, do you know, — have you ever been there within late years? A. In the dissecting-room?

Q. Yes, sir. A. Yes, sir.

Q. In 1880; three years ago? A. No, sir.

Q. Who is the demonstrator there now, do you know? A. Mr. James Skillings, — I beg your pardon, the demonstrator?

Q. The demonstrator. A. Dr. Morris Richardson: Mr. James Skillings is the janitor.

Q. Then, so far as you know from your knowledge, with the exception of monstrosities which are preserved, that is the only baby that got into that building? A. As far as my knowledge is concerned.

Q. Did you see that baby afterwards demonstrated from? A. No, sir.

Q. Demonstrated from, or some other purpose? A. No, sir.

Q. Then, that baby strayed away there all alone and lonely, and nothing became of it, and nothing was done with it, and it didn't come to anything, so far as you know? A. So far as I know.

Q. Did you ever speak of that to anybody; of the baby's being there? A. Yes, sir; to Dr. Fleming.

Q. What? A. To Dr. Fleming.

Q. To Dr. Fleming, and Dr. Fleming was then the demonstrator? A. No, sir; he was a medical student.

Q. But he could see as well as you. A. Yes, sir.

Q. You discussed it, but did either of you say anything to the demonstrator of anatomy, — "What on earth are you going to do with that baby?" A. Not that I remember of.

Q. "No good to anybody, or no use; what have you got that baby there for?" Never said anything of that sort? A. Not that I remember, sir.

Q. (By Mr. Brown.) This baby was in the medical museum, was it? A. Not the baby that was in the dissecting-room.

Q. I understood you to say you went into the medical museum at one time and saw a baby there.

Gov. Butler. Saw babies; five or six.

A. Monstrosities.

Q. Those were preserved in alcohol? A. Yes, sir.

Q. That is a common thing in all medical museums? A. Yes, sir.

Q. But this other one, and the only one which you say you saw, you didn't examine to see whether it was a monstrosity; you had no opportuity? A. No, sir.

Q. And that is the only one you ever saw, and that is the one you saw in connection with Dr. Fleming? A. Yes, sir.

Q. (By Gov. Butler.) Pardon me, you had a word put into your mouth. You were in there all alone, you and Cummings; why hadn't you an opportunity to examine that baby?

Mr. Brown. He and Cummings, — did he say Cummings?

Q. Fleming; hadn't you all the time to examine it you wanted? A. Yes, sir.

Q. Nobody interfered. You went in when you chose and came out when you got ready? A. I am under the impression, sir, that the time when we saw this baby was the time of the day when, — there was a certain time of the day when these bodies are taken to this room which adjoins the dissecting-room. — I am under the impression that this was in the evening when the room was open, and other bodies were being taken there.

Q. Being taken there, yes: but you had plenty of time to examine? A. Yes, sir.

Gov. Butler. I only want to show that Mr. Brown must not attempt to lead you wrong, that is all.

Mr. Brown. You want to rely on him entirely; he is a perfectly ingenuous youth.

Testimony of James A. Fleming (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. Dr. James A. Fleming.

Q. And you are a physician and reside in Boston? A. I do.

Q. What address? A. Eleven Parmenter Street.

Q. That is in what section of the city? A. In what is called the North End.

Q. Are you a graduate of the Harvard Medical School? A. I am.

Q. When were you there as a student? A. From 1871. September, till June, 1874.

Q. During that period did you get acquainted with Dr. Dixwell, or did you know him before? A. I knew him while at the school.

Q. And you hadn't been acquainted with him before? A. No, sir.

Q. How frequently did you see him while you were at the medical school? A. Very frequently; I could not say how many times. I might have seen him several times in the course of a day.

Q. See him in the dissecting-room? A. Yes, sir.

Q. How frequently did you see him in the dissecting-room? A. Very frequently.

Q. Did you dissect with him in the same little squad, as it were? A. Not in the same crew.

Q. But frequently with him at the same time? A. At another table.

A. In the same room, he being at another table? A. Yes, sir.

Q. Now, Dr. Fleming, did you ever see, while you were in the Harvard medical school, any babies in that dissecting-room? A. No, sir.

Q. Did you ever see any baby in this room which has been spoken of, adjoining this dissecting-room? A. I did.

Q. How many? A. One.

Q. That is the one that Dr. Dunn referred to? A. Yes, sir.

Q. That is the only one you ever saw? A. That is the only one.

Q. Now, did you see Dixwell having anything to do with that? A. No, sir.

Q. Was that baby, within your knowledge, ever brought into the dissecting-room, — put upon the table? A. It was not.

Q. Did you ever see a baby in any other part of the institution, except that, during the entire course? A. I have seen what are called monstrosities.

Q. That is, those that were preserved in alcohol? A. Yes, sir.

Q. And exhibited in the museum? A. Yes, sir.

Q. Any others? A. Not to my knowledge.

Q. That is, you saw no babies that had been brought there as monstrosities which hadn't been preserved? A. No, sir.

Q. Now, Dr. Fleming, if Dr. Dixwell, while you and he were together at the medical school, had been dissecting babies at the rate of two or three a week, in your judgment could that have been carried on without its coming to your knowledge? A. I think it could not, sir.

Cross-examination by Gov. Butler.

Q. Well, sir, where; dissecting them where? A. I don't understand your question, sir.

Q. Dissecting them where? A. Dissecting what?

Q. The question you have just answered? A. Dissecting children?

Q. Children; where? A. In the dissecting-room.

Q. Well, I don't think he could, either; and he never said he did. You answered the general question, whether from your knowledge he could have dissected two or three babies a week without your knowing it. A. I presumed he meant in the dissecting-room.

Q. Pardon me, you must be a little careful; that is the way this thing is done here. If he had a dissecting-room at home, he could have dissected any number without your knowing it? A. I presume so, sir.

Q. I have no doubt about it; only you were made to answer that he could not. Now, this baby, — now, we have got a baby

there on your own testimony and that of the last witness, — that baby was not there for any use by the college or the dissecting-room, in the dissecting-room, was it? Never was produced there? A. I never saw it in the dissecting-room.

Q. Could it have been there and dissected without your knowing it at that time? A. It is possible it could.

Q. It is possible it could; but, at any rate, so far as you know, and upon the testimony, it was not? A. Yes, sir.

Q. And I agree that it was not, so far as I am concerned. Now, then, when you were dissecting in the dissecting-room you had your parts to do under the direction of the demonstrator of anatomy, and the dissecting of the babies was no part of the business of dissection in the dissecting-room, was it? A. Not the dissecting of babies.

Q. Yes: I say the dissecting of babies was no part of the business there. You were expected, on certain grown subjects, to get a certain required surgical experience in your course, — that is what the business of the dissecting-room was for, wasn't it? A. Yes, sir.

Q. Now, then, I suppose that ambitious students and zealous students did dissecting outside of the dissecting-room? A. I think it very likely, sir.

Q. Well, did you ever? A. I have dissected dogs and cats.

Q. Dogs and cats? A. A few.

Q. Well, did you ever dissect any animal, besides a human, in the college? A. No, sir.

Q. Do you know of any being dissected there? A. Not to my knowledge.

Q. Now, then, this baby was in the janitor's room; how came you in there; what were you in there for? A. I think we were prowling around the dissecting-room. It seems to me it was during the winter vacation, about Christmas time, and we were looking about the dissecting-room; this door accidentally was open; we looked in there, the last witness and myself, and saw several bodies, and among them the body of a child.

Q. Did you ever say anything to anybody about that except the last witness? A. No, sir; not to my knowledge.

Q. You never made any inquiry about it? A. No, sir.

Q. To anybody, and what it was there for, or why it was there. And this, you think, was in the vacation? A. I think it was in the winter vacation; about Christmas time,

Q. How long was that winter vacation? A. About a week or ten days.

Q. And you were there, casually? A. Yes, sir.

Q. I thought you used the word "prowling about;" you didn't mean any harm by that? A. No, sir.

Q. Nor I, either; you were there, simply looking around? A. Yes, sir.

Q. And you saw it there. A. We weren't supposed to be there during vacation.

Q. You weren't supposed to be there any more than the baby? A. No, sir.

Q. Now, then, when, before that time, will you swear you were in the dead-house? A. When before?

Q. Yes. A. Not to my knowledge ever, or since.

Q. Then, the only time you were in there you found a baby? A. Yes, sir.

DR. EDWARD H. BRADFORD (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. Edward H. Bradford.

Q. What is your address? A. 150 Boylston Street.

Q. And you are a physician? A. Yes.

Q. You graduated at the Harvard medical college? A. Yes, sir.

Q. When? A. '73.

Q. Did you know John Dixwell? A. Yes, sir.

Q. Was he in your class? A. No, he was not in my class.

Q. Was he in the college at the same time? A. He was in the college a short time after me, but our times lapped. I mean he entered the college a short time after me.

Q. Do you recollect the year that he was there? What year did you enter, by the way? A. I entered in the winter of '69, December, '69, and, as he was a year after me in college, I should say he entered the following year, that is in the autumn of '70.

Q. In the autumn of '70.

GOV. BUTLER. That agrees with his account.

Mr. BROWN. That agrees with his account.

Q. And you remained there together, at least, you graduating in '73 and he graduating in '74. A. Yes, sir; I suppose he graduated in '74.

Q. Well, sir, were you ever in the dissecting-room with him? A. Yes.

Q. How frequently? A. I was not very frequently with him. The first part of the dissection I did, was in the spring and winter, the early winter of '70. I also dissected in the autumn of '70, and then I was in the dissecting-room with him, or, at least, I met him there.

Q. And you knew him in college, at Harvard? A. I knew, — yes, I knew him in college.

Q. He was in the class behind you? A. The class behind me.

Q. How long did you know him before you graduated at Harvard, — did you know him before he entered college? A. No, sir; I didn't know him before he entered college.

Q. But you knew him at college? A. I knew him at college.

Q. Have you known him pretty well since he graduated at the Harvard Medical School? A. I have not seen very much of him. I have known him as an acquaintance; we would meet occasionally. I have been to call on him.

Q. And has he been to call on you? A. I think he has; I don't know whether he has or not.

Q. Frequently had conversation with him with regard to your medical studies and the practice of your profession? A. Hardly frequently, for I doubt if we meet more than once in three months or so, as it happened.

Q. Now, sir, during the time that you and he were in the medical school, did you see any bodies of babies there in the dissecting-room, or in the room adjoining the dissecting-room, either for the purposes of dissection or for any other purpose? A. No; I don't think I ever saw any.

Q. Did you ever see Dr. Dixwell dissecting the body of a baby? A. No; I never saw him.

Gov. Butler. Now, Mr. Chairman, why should we go through this over and over again. If it is meant elsewhere than the dissecting-room, then it is well to put it in, but in the dissecting-room, Dr. Dixwell, — I and you both know what his testimony was, — and I disclaim that there were any bodies dissected in the dissecting-room. The last witness shew how it could not be. The students in the dissecting-room, when they are there dissecting, have to do a certain amount of work in order to get their rank, and that must be done on large bodies.

And when the students were there doing that, during the hours of their dissection, I don't claim, nor has there any testimony been put in on my side. Now, why should we keep going over this all the time, or a half-dozen times.

Mr. Brown. Mr. Chairman. His Excellency suggested that yesterday, and I put the question fairly to him whether he intended to claim that these bodies which Dixwell says he handled were the property of the Harvard Medical School: or, in other words, whether they came through the authorities of the Harvard Medical School, and he would not enter a disclaimer to that proposition. Now, if he says that the bodies which Dixwell got he got surreptitiously, without the knowledge of the faculty and without their consent, that it was an illegal practice which Dixwell was carrying on, and he enters that disclaimer, I will stop, but till he does I am going to show, as in the exercise of my judgment, with permission of the committee, it may seem best to do, I am going to show that this man Dixwell told that which was absolutely false; that the bodies not only were not in the dissecting-room, but they were not there anywhere, and that he could not have gotten them.

The Chairman. I understand that you deny that there was any dissecting of infants except monstrosities?

Mr. Brown. Yes, sir.

Gov. Butler. And these were not down in the dissecting-room, sir. Now, then, I am tired and sick of this performance every day.

Mr. Brown. Why don't you give it up?

Gov. Butler. No, sir; I have no intention of giving it up, and I have no intention of being continually misrepresented, — the case being continually misrepresented by the boldest and most untruthful statements that can be made. This is it. It was said that I had admitted that this was a surreptitious, illegal —

Mr. Brown. I beg your pardon.

Gov. Butler. You have said it within two minutes. I know exactly what you said. I don't want to be interrupted.

The Chairman. I didn't so understand him, Governor; I didn't so understand him.

Gov. Butler. There is a very accurate agreement of understanding between the honorable chairman and the counsel.

The Chairman. I don't know whether the other members of the committee so understood him. I understood the counsel to

say *if* it was admitted that Dixwell took the bodies surreptitiously.

Gov. Butler. [To the reporter.] Will you read.

The Reporter. "Now, if he says that the bodies which Dixwell got he got surreptitiously."

Gov. Butler. "Now, he says," meaning me. I know what he said, and everybody else, or almost. Now, gentlemen of the committee, let me say I said nothing of the sort, and I don't choose to be so misrepresented. What I have said over and over again, and what the testimony is, is that the janitor of that institution, one of its officers, and as respectable officer, so far as I know, as any of them, sold these bodies to these students for a dollar apiece and three dollars apiece, to be dissected at their rooms, not in the dissecting-room. It never entered my wildest imagination that they were dissected in the dissecting-room, except surreptitiously, if they were dissected, because the boys had a duty to do in the dissecting-room, and they must do so much work in there under the eyes of the demonstrator. But ambitious, zealous investigators into the anatomy of the human frame, not content with the one part or the other part, and wanting to see the whole structure of a whole human frame together, would buy, when they could, a baby and carry it out, carry it out from there; and it is now in testimony about that. Does it tend to contradict that to keep putting in this evidence to be reported to the newspapers that there is an apparent conflict between Dr. Dixwell and these men, in whom there is no conflict? Shall we take up the time? Now, then, every time a question of admissibility has been argued here, the counsel has arose in his place and said over: I shall show this, and I shall show that, and every time he has brought a witness to what he has declared, it is shown that it exactly shows the contrary of that. He told you as solemnly as man could tell a committee upon his responsibility, and said he wanted it to go to the country, that there never was a body of an infant in that school or in that college until 1876, when a man with new-fangled notions, coming from France, wanted some to demonstrate obstetrics with in that year. That declaration was made and went all over the country, and now we have got one as early as 1871, seven years before that new-fangled man came, in the dead-house, and we have got three in 1875 in the treasurer's account. Therefore, I think that it would be proper that the committee would restrict the counsel, when he

argues questions to them, as to what is being testified to and not to what he expects to show. I think he can do it, so far as testimony is concerned, — almost anything, — but he has not done it up to this point. A certain class of witnesses have not been called. Now, then, I want to call the attention of the committee whether we shall go on spending hour after hour on the simple question of whether there was any dissection there; and, when I object, then I am told that I make this claim, that claim, and the other. I want to say, once for all, and then the committee may go on as long as they please, — only I trust they will release me from hearing it, — and put in witness after witness to prove that there were not any bodies on that dissecting-table. I don't believe there were any bodies on that dissecting-table when the demonstrator of anatomy was going on, when the business was going on, any more than there was on his breakfast-table, and never did believe so: it is just as improbable as that there would be, and Dr. Dixwell has not said so. But I shall inquire by-and-by what that poor stray infant was down there for, and how it happened that the only time when the last witness went into that room he found one. But that may be hereafter. And that is the point. The question is, and the only question is, whether there were any babies carried there, and whether they were taken there. If not for purposes of dissection, as is now claimed, then every one of these people that had to do with them there are in direct violation of every statute of the Commonwealth on this subject. We find them there. Harvard swears they were not there for the purposes of dissection, and then they were there as any other rifled grave is.

The Chairman. Governor, don't you understand it that Dixwell testified that he dissected infant bodies in the dissecting-room?

Gov. Butler. Never, when the class was there, sir.

The Chairman. I so remember it. I can't call it to mind now, but I understood—my impression was—that he testified to dissecting there and at home.

Gov. Butler. He said he dissected there and at home, both of which will be true,—but not upon the dissecting-table. The ground of the chairman's misunderstanding was this: We were not then quite as familiar with the exact condition of things as we are now, and we might well have supposed,—I did not, for I had examined the matter carefully with Dixwell beforehand; I had examined the matter, and have been in a dissecting-room in

my life; I knew what the practice was, and, therefore, I understood him with more clearness, perhaps,—that is, I think I did,—than the committee would be likely to. I, not supposing that this case was to turn on the question of a table, whether they were on a table or not, but upon whether there were infants or not,—and I am getting along exceedingly well in the proof of infants this morning and yesterday.

Mr. Learnard. I understand that Dixwell did testify that, in a little ante-room at the end of the dissecting-room, all bodies, old and young, were put and kept. And I understand it is the object of Mr. Brown, at the present time, to show that that number of babies could not have been in the ante-room.

Gov. Butler. No; he is now on the question whether they were on the dissecting-table, sir.

Mr. Brown. Mr. Chairman and gentlemen of the committee: I want to say a single word. It grieves me exceedingly to have His Excellency tell this committee that he is getting sick. I have some knowledge of diseases, and I have been making a diagnosis of his case for the last ten days, and I saw the approaching sickness coming; but, Mr. Chairman, let us look right in the face —

Gov. Butler. I have not said any such thing; there is, again, a misrepresentation.

Mr. Brown. Right in the face of this question, and see what it is, and let me see who is doing the squirming here. When the testimony of Dixwell was offered to this committee, he undertook to tell you what Andrews said, and I objected. And His Excellency argued for at least half an hour, that the testimony of what Andrews said, as to where these bodies came from, that they came from Tewksbury, was admissible. I objected. I told the committee then that it would simply result in trouble; it would necessitate the calling of witnesses by me to disprove that what a man, who was acknowledged to be irresponsible, or, at least, set forth here by His Excellency as an irresponsible person, had said, amounting simply to hearsay, nothing else, — it would be necessary for me to meet that and disprove it. Now, I have carefully examined Dixwell's testimony since this discussion of yesterday, and, if I am capable of understanding, and I think I am of understanding some things, I say that the fair inference from that testimony is this: First, that the man Dixwell did dissect, in the dissecting-room at Harvard College, two or three bodies a week, and that these were

the bodies of infants. But, assuming that there is a doubt about it, let us give Dixwell and his testimony the benefit of the doubt, and see where we are. Then, if he didn't do it in the dissecting-room, there is no escape from the inference he got the bodies there and took them home and dissected them. Now, I think I have satisfactorily shown that he never could have dissected these bodies in the dissecting-room. I purpose to go a step further, and show that, in the very nature of things, by the best evidence accessible to me, — Andrews is dead, — I purpose to show that the bodies which he says he got from that dissecting-room, or the little room adjoining, that that testimony of his is entirely false from beginning to end.

Gov. Butler. Another proposition of what is to be shown hereafter, instead of on the question of what is before the committee.

Mr. Brown. Now, I say this, that if His Excellency, — His Excellency already having entered here a disclaimer, and I want to state it with perfect accuracy, that he don't intend to claim that Dixwell dissected these bodies in the dissecting-room of the medical school, — having entered that disclaimer, I ask him, will you go one step further and enter this disclaimer, that the bodies which you claim Dixwell said he got from the medical school were got surreptitiously from Andrews without the knowledge of the authorities, without their having been received, first, by the authorities to be delivered over to the students. If you will enter that disclaimer, I will stop; but if you don't enter it, I will go on if you are sick in this case even unto death.

Gov. Butler. Another perversion again. I said I was sick of his performance, and so are you; and his performance was misstating what I was doing and saying and what I had said. Now, sir, — and then he said that I would disclaim Mr. Dixwell's having, — that I had disclaimed Mr. Dixwell's having dissected bodies in the dissecting-room. I made no such disclaimer. I said I disclaimed his dissecting bodies in that dissecting-room when the class dissection was going on, because it would be his duty to attend to the duties of his class. And this very question was put by one of the committee, on the 22d page, by the chairman: "You have testified to dissecting bodies of infants; did you dissect only infants?" "Oh, no." "You dissected adults as well as infants?" "Yes." "How many adults should you think you dissected?" "I certainly had my

part a month," — see how careful and accurate he was, — "my part a month." "What would that be?" "My part a month would be one arm or one leg, or a head, as the case might be. It would take five days to dissect one adult body." "Did you keep any account of the money paid out for these bodies?" "No, sir; the money was not mine; it was given to me to get my instruction." "You paid out a good deal; I didn't know but you might have kept some account of it." "No." Now, then, we have got on an entirely new tack to-day. Yesterday you were told that the rulings of this committee were entirely satisfactory to the counsel. I meant to have observed upon it yesterday, because, as they were always in my favor, they were entirely satisfactory to me, and I wanted to show that everybody was satisfied. To-day he complains of the ruling of the committee.

Mr. Brown. I beg your pardon; I don't complain. It is you who are complaining.

The Chairman. We have not ruled, yet.

Gov. Butler. Pardon me; me too, Mr. Chairman. You complained of the ruling that Andrews' testimony, what he stated about where he got the bodies from, was admitted. Am I not right? You have ruled, and he complained of it, sir. Now, then, what was that Andrews testimony? He said he got them from Tewksbury. Now, it is admitted on all hands, I suppose, that these bodies, a portion of them, at least, came from Tewksbury.

Mr. Brown. No; it is not.

Gov. Butler. Came from Tewksbury, but that was no connection with this ruling. I have done my best, — not that I am sick of this testimony; I am nauseated with the counsel, that is all.

The Chairman. I want to read two questions from the record. One on page 20: "Q. (By Gov. Butler.) If bodies were dissected with bodies of animals, — at the time bodies were dissected, were the bodies of animals dissected on the same table? A. It might be if there was an animal to be dissected. Q. Well, sir, whether you have seen the remains of the bodies of animals put up in the same box, and carried off to be disposed of with the bodies of these infants, — such as owls, cats, and such?" Now, on page 24, where your Excellency stopped, "Now, for my satisfaction as a member of this committee," — this is by Mr. Mellen, — "I wish to repeat Gov. Butler's question, and I

wish to know if you saw the bones of these dissected infants on the same table with the bones of animals that were dissected? A. They would not be on the table at one and the same time." "But at different times?" "There would not be room, for instance, upon a table for but one subject." "Did you see them on the same table at different times?" "Yes." "Did you see them removed or put into one receptacle together to be borne away from the institution?" "Yes, sir." Now, I gathered the idea that Dixwell intended to say that the bodies of infants were dissected on the regular dissecting-table.

Gov. Butler. I saw you gathered that and I told you why, but now it is all explained by this witness. The bodies of the animals were dissected up-stairs, and then all the stuff was gathered up; and this man didn't see them put in the same box because he didn't see what was done with the remains down below, but Dr. Dixwell said he did see them. He didn't use the table in the main dissecting-room. The difference is this: There is a dissecting-room where students have to do a certain task, and some of them do it as unwillingly as school-boys creep to school; there are other rooms where further dissection for comparative anatomy goes on, where monstrous infants, infant monstrosities are dissected. That is agreed. In that room owls, and cats, and dogs, and all small animals that they can get are dissected, and usually, perhaps, it is not the human subjects, and Dr. Dixwell says he has seen on the same table the remains of infants. Now, the witness before, — the third one back, — said that up in that room animals were dissected, and that he left the remains of a frog on a table and that it was all carried off together, — he didn't know, he left it there to be taken care of by the janitor. Now, all that is exact. Dixwell, if you will read his testimony, testified exactly to the facts so far as they have been developed, and the only difference between us here to-day is, — the only question where he can be contradicted, where he can be convicted of perjury, if he is wrong, unless he should put up a defence of insanity, and you saw him here, he acted very much like an insane man, — the only possible thing would be upon the fact that he said, — and there has been no evidence yet brought to contradict the fact, — that he said, — except the evidence of two or three people, two people, who didn't see these bodies in the dissecting-room, in the morgue, in the death-room. Well, the answer to that is,

they weren't there when they saw them, — and two men who did see them.

Mr. Brown. Mr. Chairman, I want to say one single word upon something which I meant to have referred to before. His Excellency has several times repeated my statement, that there were no babies at Harvard College prior to 1876. I never made that statement in the world. This is the sentence which I uttered, — that I should show that the body of no child was ever delivered to any public institution from Tewksbury prior to the time when Thomas J. Hall put the body of a child into one of those boxes that went to Harvard College, and that was in the month of October, 1876. That is precisely what I said. I have no knowledge, nor I never cared what was in the Harvard Medical School. I have never considered it any of my business. Now, I want again to ask this committee to ask His Excellency whether he will disclaim that he intends to use for any purpose the fact that Dixwell testified that there were babies in the Harvard Medical School, during the time when he was there as a student, which came from Tewksbury. If he will say that he won't so claim, I will stop.

The Chairman. I understand he declines.

Gov. Butler. I decline in the most positive and thorough terms. I believe it as much as I believe my existence.

The Chairman. Now, then, it is for the committee to say whether Mr. Brown shall proceed further in this line.

Gov. Butler. Whether they were on the dissecting-table; that is the only question.

Mr. Learnard. In the dissecting-room or the ante-room; each or both.

The Chairman. Anywhere, or both.

Gov. Butler. In the dissecting-room is all I object to.

The Chairman. I understand he desires to show anywhere.

Mr. Brown. I purpose to show there were no babies either in the dissecting-room or in the small room.

Gov. Butler. I agree there was none in the dissecting-room.

Mr. Brown. Very well; then I won't spend any time on that. I will limit myself entirely to matters tending to show that the testimony of Dixwell is not correct that there were any babies in the small room.

Gov. Butler. Well.

The Chairman. Go ahead.

Q. (By Mr. Brown.) Now, doctor, you have said, as I un-

derstand, that you saw no babies in the dissecting-room. Did you see any in the dissecting-room? A. No, I never saw any.

Q. While you were there. Now, were you familiar with this ante-room leading out of the dissecting-room? A. I have been into it once; I have seen it; I was not familiar with it.

Q. Now, did you ever see any babies in that small room? A. No.

Q. And how frequently did you have the opportunity of looking into it?

Gov. Butler. Did he look into it?

Mr. Brown. I will ask him that next.

A. I don't know how often I could have looked in; I never tried more than once or twice, as I remember.

Q. And you did, then? A. I looked in once or twice; I remember looking in once or twice.

Q. Now, tell us exactly what was the connection, the relation of this little ante-room to this dissecting-room. A. It was an adjoining room; there was a door from the dissecting-room into this room, and then there was a door into the ante-room, off from a passage-way, as I remember it.

Q. Now, when you were in the dissecting-room carrying on your studies, if the door of the ante-room had been open you could have seen into it, could you not? A. I could have seen into it?

Q. The condition of the light was such you could have seen what there was in there, to a certain extent? A. I think I could.

Q. Now, doctor, supposing that there had been 200 babies in each year at the Harvard Medical School, taken in and out through the dissecting-room into this ante-room, was your position such that you would have been likely to have seen some of them?

Gov. Butler. I object to that question.

The Chairman. Object to it on the ground of its being leading, or what is the objection?

Gov. Butler. It is very leading and perfectly incompetent: If certain things were done in two years was his position where he could have seen it done?

Mr. Brown. Well, doctor, I will change the question.

Gov. Butler. I thought you would.

Q. You were constantly in the dissecting-room while you were pursuing your studies? A. Yes.

Q. Now, if there had been any large number of babies taken in and out of that ante-room, were you in the position to have seen them? A. I looked into that ante-room, perhaps, twice. I was not in a position to see what was in it at any other time.

Q. Have you had any conversation with Dixwell about his testimony in this case? A. No.

Q. Have you had any conversation with Dixwell since he left the medical school in regard to his health? A. Yes, sir.

Q. How frequently? A. Once or twice; I can't remember.

Q. Do you recollect when it was? A. I think I saw him after he first got up from his — first was out from his sickness.

Q. What sickness was that? A. He was very ill for a time; I can't remember when it was; some two or three years ago, — perhaps longer.

Q. Now, sir, what did he say to you, or what did you say to him upon that subject? A. I asked him how he was, was glad to see him out, etc., and he said he had been very sick.

Q. What did he say had been the matter with him? A. He said he had had an abscess on the liver, among other things, and that he had been unconscious, as I understood him, or out of his head, delirious.

Q. Did he say anything about for how long a period of time? A. Well, he may have; I suppose he did; I can't remember.

Q. Now, what was the next conversation you had with him about his health? A. When I met him again, I asked him how he was, and he said he was better.

Q. Well, did you ever have any conversation with him in which he expressed any opinion to you that his faculties had been impaired by his sickness? A. He said he was not feeling strong, after his sickness, when I saw him for the first time.

Q. Did he refer to his strength of mind? A. No.

Q. Well, have you ever observed any difference between Dr. Dixwell's appearance, as you have seen him since his sickness, from what it was before? A. Yes; I think he has changed in appearance and his manner, now, from what he used to be.

Q. Well, what is the change? A. Well, I should say he was rather more erratic in his costume, and in his manner, than he used to be.

Q. What about his costume? A. Well, in college, as I knew him, he was always a man of very, rather precise appearance, and since then he has not struck me as such.

Q. And what have you observed? A. Well, I mean that he was a man who always dressed in the fashion of the day when he was in college, and since then he has not dressed in the fashion of the day.

Q. Do you know what is his reputation for truth and veracity? A. Well, of course, — that is, I can only repeat what I have heard his acquaintances say; that is all I can —

Q. (By Gov. Butler.) When? A. Within two years.

Q. (By Mr. Brown.) Within two years? A. Yes, sir.

Q. (By Gov. Butler.) Within two years? A. Yes, sir.

Q. (By Mr. Brown.) And how frequently within two years? A. Whenever the subject has been brought up.

Q. How frequently has it been brought up? A. Well, perhaps half a dozen times a year; whenever we have happened to have met.

Q. And what has been his reputation, as you have heard it, for truth and veracity? A. Well, the expressions that I have heard used were perhaps such as that he was very erratic, very extravagant in his statements, peculiar.

Q. Extravagant in his statements? A. Peculiar, perhaps; yes.

Q. Statements not to be taken,—just explain fully what you have heard said.

Gov. Butler. I have never known this —

The Chairman. That is not quite up to the rule.

Mr. Brown. I don't know as it is, Mr. Chairman.

Q. I ask you, what is Dixwell's, and what has been his reputation for truth and veracity, during the two last years, among his acquaintances, as you have known them?

Gov. Butler. No; in the first place, whether you know his reputation?

Mr. Brown. He has already said that, Governor.

Gov. Butler. No; he has not said he knows.

Mr. Brown. He said he has known among his acquaintances he has talked with.

Gov. Butler. He knows he has talked with some of his acquaintances.

Mr. Brown. Yes; and he knows what they have said.

Q. Now, what is it? A. The people I have talked with, his acquaintances, have said —

Gov. Butler. That is not it, Mr. Witness.

The Chairman. The question is, What is his reputation for truth or veracity?

Gov. Butler. Good or bad?

The Witness. The question is as to truth or veracity?

The Chairman. What his reputation is for truth and veracity.

The Witness. I should not say his reputation was that of a —

The Chairman. The Governor suggested good or bad.— that is the proper answer.

The Witness. I should not say it was good.

Q. Well, what would you say? A. Well, I should say that his reputation was that of making extravagant statements.

The Chairman. That is not it; the question is—

The Witness. Good or bad, must I answer?

The Chairman. The question is, whether his reputation for truth and veracity is good or bad.

Gov. Butler. Truth and veracity is good or bad.

The Witness. I should say it was bad.

Q. There is another question I want to ask you, I omitted to ask. Did you ever see the bodies of infants or grown people, and bodies of animals, thrown together in this pail or tub at the Harvard dissecting-room? A. Never.

Cross-examination by Gov. Butler.

Q. Tell me a man who said that Dr. Dixwell's character for truth and veracity, or reputation for truth and veracity was bad? A. Well, I can remember Dr. Martin, quite a friend of his.

Q. When? A. Within a year or two years.

Q. I know it might have been within five minutes — not quite that, but within two hours. A. Do you mean as to the exact date.

Q. I mean the exact date. A. I cannot tell the exact date?

Q. Can you tell me within three months? A. I can tell you within six months.

Q. Well, within six months? A. Yes, sir.

Q. Was it within six months of the present time? A. No. He may have repeated the previous statement.

Q. What Dr. Martin was that? A. Dr. Stephen Martin.

Q. He is in Europe, isn't he? A. He was to go. I don't know whether he has gone or not.

Q. Now give me somebody, — don't you know he has gone as well as you know anything? A. No. I don't know that as well as I know anything.

Q. But have you any doubt he has gone? A. I heard two months ago that he was going, and I saw in the newspapers that he intended to go. I have not seen or heard of him since.

Q. Now please give me somebody that is not the other side of the Atlantic, or dead? A. Well, I have heard Dr. Shattuck —

Q. When? A. I should say about the same time.

Q. But you haven't given me the other time? A. You haven't asked me.

Q. Therefore you don't help me. I had dismissed Dr. Martin because he had gone across the water just about the time this investigation commenced. I wanted him. Now tell me when you will swear that you heard Dr. Shattuck say so? A. I cannot swear as to the date, your Excellency, but within two or three months.

Q. When within three months? A. I think we have talked together within the last three months on the subject.

Q. Who else? A. Well, Dr. Folsom — Dr. Charles Folsom; I have heard him mention it.

Q. When did he mention it? A. Well, I should say two years ago; whenever the subject of Dr. Dixwell came up.

Q. Who else have you discussed this matter with? A. What matter?

Q. The matter of his character? A. Of his reputation?

Q. Yes, sir? A. Well, whenever the subject of Dr. Dixwell has come up, and where any of his friends met, we have always spoken of it.

Q. When did that begin? A. When did it begin?

Q. Yes. A. I should say within 1873 or 1874. I cannot remember when he was sick; I don't know the exact date.

Q. You don't mean that? A. No; that was before his sickness.

Q. Certainly; he was in the medical school then, a nicely dressed man? A. Excuse me, I didn't say in the medical school; it was at the college.

Q. Did he change his dress when he went to the medical school? A. I think he began to.

Q. Now we will go into that by-and-by. When was it that you heard his character first discussed in this regard? A. I had heard him spoken of ever since his sickness; I cannot remember just when that sickness was.

Gov. Butler. I will try to fix that so there won't be any trouble about it.

The Witness. I have not answered.

Gov. Butler. You said since his sickness.

The Witness. Yes; and I also say I heard it before.

Q. Then the sickness has not had anything to do with it so far as you know? A. I don't know.

Q. So far as you know? A. I don't know.

Q. Well, so far as you do know? A. I have not any opinion.

Q. I have not asked your opinion. So far as you know that sickness has not had anything to do with his condition? A. No, sir.

Q. Very well; abscess on the liver don't make him lie? A. It may and may not.

Q. Now, then, you have heard it very lately discussed a great deal? A. No.

Q. Very lately? A. Whenever the subject —

Q. But since this investigation has been taking place it has been discussed among you Harvard men a great deal? A. I think not; we have other subjects to talk about.

Q. I understand you have; but haven't you talked about this? A. We have talked about it.

Q. Haven't you discussed Dr. Dixwell's character? A. Yes, sir; as we have before.

Q. Haven't you discussed it more since? A. I think not.

Q. It has been common talk since among you Harvard people, has it not? A. I think not.

Q. Then this is not so as to be a common reputation, but it is a particular reputation among certain people? Don't you know the difference between a common and a particular reputation? A. You mean as to what?

Q. As to anything? A. Yes, sir.

Q. Some men have common reputation for being good sur-

geons, while others have particular reputation for being particularly good surgeons? A. Yes, sir.

Q. Very well. Now you know the difference. Now I want to ask you, sir, if you heard, — was that his reputation when he was a student in the medical school? A. His reputation —

Q. We haven't anything about his reputation, but anything about reputation for lying, — bad character for truth and veracity, — was that when he was a medical student? A. Among his intimate friends who knew him well and saw him, he had the reputation in the medical school, at least with those I have talked with, of making extravagant statements then.

Q. Did he have it in college? A. I think he had it in college.

Q. You think he had that reputation in college among persons who knew him intimately? It hadn't got around only among his particular friends? It was a particular reputation among his friends. But they remained his friends. He was a lying fellow, but then they stuck to him. A. Persons who are interested in his family were of course interested in Dr. Dixwell.

Q. Well, I understand: but they still stuck to him? A. How do you mean stuck to him?

Q. Why, called at his office, and he called at theirs, and they were on friendly relations. All this time you were on friendly relations with this liar, this man who was not only a liar but who had a bad reputation for truth and veracity? A. I was on friendly relations with him.

Q. Don't lower your voice; speak out. A. I was on friendly relations with him.

Q. And then behind his back was talking about his being a liar? A. I have never made the statement that he was a liar.

Q. Why not? A. Because I never thought he was.

Q. And you don't now? A. I don't think he is a liar now.

Q. And you think he will tell the truth under oath? A. I don't think that he would.

Q. Why not, if he is not a liar? A. Well, because I think he is not exactly responsible for his statements.

Q. Why not; is he crazy? A. Pardon me, but I am not an expert in any such matter.

Q. Ah, but pardon me, but you have been put on here as an expert in regard to insanity.

Mr. Brown. I beg your pardon.

Gov. Butler. You asked the question, sir, whether he thought this man was affected.

Mr. Brown. What he observed.

Gov. Butler. That is all anybody can state — any expert.

Mr. Brown. I have not asked you that.

Gov. Butler. No.

Q. Now, sir; do you think his mind has been affected ever since he has been in college? A. To a certain degree I have thought it affected.

Q. You thought he was crazy in college? A. Excuse me, the term crazy is a very broad one.

Q. Well, so crazy he could not tell the truth; that is all I care about? A. He was so crazy that I should not think he was responsible for all his statements.

Q. So crazy that he is not responsible for all his statements. And you thought so in college. But that was no objection to his graduating, getting a diploma, and standing high in his class? A. I never heard that he stood very high in his class.

Q. Well, he got his diploma? A. Yes, sir.

Q. That didn't prevent his being admitted into the medical school and standing there very well? A. Very likely he may have stood very well.

Q. Don't you know? A. He was not in my class. I don't know.

Q. You don't know whether he stood very well there or not. It did not prevent his being made a member of the Massachusetts Medical Society? A. It did not.

Q. And he stands in that relation down to to-day? A. Yes, sir.

Q. And they are the very *creme de la creme*, aren't they, the very top notch? A. I don't know that.

Q. Don't you believe so? A. No.

Gov. Butler. You and I agree upon one thing.

Q. Are you a member? A. Yes, sir.

Q. Now, here is an insane man, so insane that he cannot tell the truth under oath, and you won't believe him under oath, but whom the medical society hold up as a proper man to be their associate, to consult with, and to take care of the bodies

and lives and the health of the people. Is that so? A. Yes, sir.

Q. That is the condition of things. With full knowledge of all the facts. — they all know of it. — he is still a member in good standing? A. He has not been turned out of the society.

Q. I understand he has not. But he was so crazy from his youth up that he could not tell the truth. A. I have not made that statement.

Q. Well, so insane he could not tell the truth. A. I have not made that statement.

Q. And you won't? A. Certainly not.

Q. Well, with his mind so affected that he could not tell the truth from his youth upwards? — from the time he was in college? A. Yes; on certain subjects I don't think his testimony would be taken.

Q. What particular subjects in college on which his testimony would not be taken? A. Any particular hobby he might have.

Q. That is, he was an enthusiastic man, wasn't he? A. Very; to an extreme degree.

Q. He was an enthusiastic medical student? A. In certain directions.

Q. And his direction was the direction of anatomy? A. That was one of his hobbies at one time.

Q. Of course he could not have it at all times, because he went out. He dissected more than any one else there? A. I don't think he dissected more than anybody else in the dissecting-room. I don't know what he did elsewhere.

Q. He was very attentive in the dissecting-room, wasn't he? A. So were quite a number of others.

Q. Wasn't he more so? A. I should say he was as attentive as others.

Q. Well, whether you don't agree with the testimony of the first witness called here this morning, that he was a zealous student of anatomy? A. Yes, sir.

Q. He was? A. Yes, sir.

Q. And he dissected his parts. Now, when were you ever called, when did you know you were to be called as a witness against Dr. Dixwell's character for truth and veracity? A. I never knew I was to be called upon.

Q. And you never told anybody that you knew anything about it? A. Knew anything about what?

Q. His character for truth and veracity. A. Yes.

Q. Whom did you — when did you know that question was to be asked you here? A. I didn't know it until this moment.

Q. Did anybody ever inquire for the purposes of this case about that? A. Yes — inquire whether I —

Q. Whether you knew it: who was that? A. I don't remember the name. There was a gentlemen called on me and wanted to know if I would come up and testify here.

Q. About his character for truth and veracity? A. No, sir; about the general investigation.

Q. Well, this is the first time we have had any dealings in this direction. You have the honor of being the leader in this enterprise. Now, will you tell me, did anybody inquire about that which I ask you about? A. About Dixwell's character?

Q. About Dixwell's character for truth and veracity and, in reference to its coming up here. A. Yes, sir.

Q. When? A. I should think two weeks ago. I cannot remember the date.

Q. Who was he? A. I don't know his name.

Q. Did he give his name? A. No.

Q. A stranger came in; what sort of a man was he? He told you he was a lawyer? A. No, he didn't tell me that. He asked me if I would come up here and testify, and I said I would if I was obliged to.

Q. Was that all that was said? A. Then he asked me whether I had ever dissected babies at the school, and asked me what I thought of Dr. Dixwell.

Q. Did he ask you about his character for truth and veracity? A. He asked the same questions that you have asked.

Q. Not all of them? A. No, not all of them.

Q. And then you came up? A. When I got the summons I came up.

Q. Now let us go back to this: did you ever see a baby, the corpse of a baby, within the confines of Harvard College? A. Yes, sir; you mean the Harvard Medical School?

Q. Yes; that is part of it. Where did you see it? A. I remember seeing Dr. Jackson —

Q. What? A. I remember seeing Professor Jackson show one at his lecture.

Q. When? A. It was during my course there at the school.

Q. When did your course end? A. Well, let me see, — 1872, that was the last year when I was connected with the school.

Q. Was that the only one you ever saw? A. Well, I may have seen one or two.

Q. Pardon me. This is the month of May; it might be the month of June. A. My memory cannot give the exact number.

Q. I didn't ask the exact number. A. Excuse me, what is the question?

Q. The question is: did you see any one more? A. Yes, sir.

Q. How many? A. I saw two; there may have been three.

Q. Will you swear there were not four? A. Yes.

Q. What? How do you fix between three and four? A. Well, that is as far as my memory goes.

Q. Do you have such memory that you know there were not four? A. As far as my opinion and belief go —

Q. I don't ask for your opinion and belief — God forbid! I ask by your memory, can you tell me whether there were not three or four? A. As far as I can remember there were not four.

Q. What is there that makes you cut off at four? A. Well, the same reason that makes me end at three.

Q. I supposed it was; why do you end at three? A. Because I think there were more than two.

Q. What makes you think there were more than two? A. Because, as far as I can remember, there were three.

Q. Did you see them all at once? A. No, sir.

Q. What? A. No, sir.

Q. Where did you see them? A. In Dr. Jackson's demonstrations.

Q. That is, he was demonstrator? A. No, sir; he was pathological professor.

Q. Had they been dissected? A. I cannot remember as to details, but I should say partially dissected.

Q. Freshly dissected? A. There were some freshly dissected.

Q. Well, there cannot be a great many, because there were

not but three, anyway. How many were freshly dissected? A. Well, of the three. — I should say all. Do you mean within a week or within a day.

Q. Well, within a week; that will do. A. My impression would be from appearances within a week, or less. Excuse me; I did see one that had been dissected and preserved. There was one in the school that had been dissected probably six months.

Q. But there were not preserved ones? A. No; and of course there are others in the museum that I didn't take into account.

Q. Well, we won't trouble about those. They have been there a good while, so that all feeling probably has gone past. But those that were freshly dissected, did you see any dissection done on them? A. No; but they had been dissected, and he was demonstrating the results of the dissection. They were to show certain pathological changes, whatever they might have been.

Q. To show something, whatever it might have been. Did he show from dissection what he was demonstrating — the subject of his lecture? A. Yes, sir.

Q. And say, "There, you see here by this dissection." Do you remember what particular thing that thing was that he was trying to demonstrate? A. I cannot remember, except in a general way.

Q. And he took a baby to show that? A. Yes, sir; certainly.

Q. But I understood somebody to swear — do you agree with him — that the dissection of babies was entirely valueless — of no earthly value whatever. A. The partial dissection of the fœtal circulation or of a withered arm, or anything of that sort would be valuable.

Q. But, pardon me, where is the difference between a withered arm of a baby and the withered arm of a man? A. There is no difference, except that one would be smaller than the other.

Q. Except it is a little extraordinary to find one withered in so young a child? A. Yes, sir.

Q. Now, were these babies all at one time? A. One every year.

Q. He lectured upon that subject once a year, I suppose?

A. Well, whatever the subject might be, if he had any monstrosity to show.

Q. Were those all monstrosities? A. They all had some peculiarity.

Q. Certainly they might. But what peculiarity was in the first one? A. I cannot remember.

Q. What peculiarity was in the second one? A. I cannot remember.

Q. Or the third? A. I cannot remember the exact peculiarity.

Q. Well, how do you know they had peculiarity? A. Well, they had such peculiarity as the details I cannot give. There would be a peculiarity of the fœtal circulation.

Q. Pardon me, but is not the fœtal circulation — are not the traces of it in all young babies? A. Yes, sir.

Q. Well, then, that was not a peculiarity? A. But, then, it is not always that the professor could have the material to show it.

Q. I know: he didn't show it, because after a little the student would know that. What was the peculiarity of those three babies? A. I remember now one child as having suffered some change at birth; some injury to the cranium.

Q. That is, somebody had perhaps undertaken to deliver it with a rat-tail file and a screw-driver? A. The peculiarity that I saw, that I remember his showing, was a thickening of the *dura mater*.

Q. Of the *dura mater*; a part of the head? A. The covering of the brain; yes, sir.

Q. Now, did you ever see any others than those three? A. I cannot remember seeing any others. It is some years ago.

Q. Will you swear that there was not any other? A. To my best knowledge and belief, there were not.

Q. I don't want your belief? A. My best knowlege is that.

Q. Do you know whether there was any or not? A. Of course I don't.

Q. You don't know but what there were a great many there? A. There may have been that I have not seen.

Q. Do you swear you ever went into this dead-room more than once? A. I won't swear I didn't go in twice.

Q. You will not swear that you did? A. No; I cannot remember whether I went in once or twice.

Q. What was in there when you went in there? A. I think, when I went in there, there was nothing there.

Q. Well, then, you have seen as many babies in that dead-room as you have of other bodies? A. I have seen neither.

Q. And you were brought here as a man who never went in but once, and saw nothing; therefore there was not anything in there? A. I don't know what I was brought here for.

Q. Now, I want to ask you another thing. Have you seen animals dissected in that college? A. No; I never saw animals dissected there. I don't think I ever saw any animals dissected.

Q. Did you ever dissect any? A. No. I never dissected animals. I may have at home; I don't remember. I think probably I have, but I don't remember.

Q. Well, while you were there, did you see anything of any skin? A. No, sir; I never saw anything about any skin.

Q. Never heard that there was any such thing in existence? A. As skin?

Q. Yes; human skin, tanned. A. No. I never heard of any.

Q. Now, was Dr. Oliver Wendall Holmes a demonstrator there? A. No, sir; he was a professor.

Q. A lecturer? A. Yes, sir.

Q. Now, sir, didn't he have a piece of human skin tanned which he showed to the students at the close of the lecture? A. I never saw it. He may have had some in the museum where they have other things, but I never saw it.

Q. Didn't you know there was a piece there? A. No, sir.

Q. Did you hear there was? A. I heard —

Q. I don't mean since this investigation began? A. No, sir.

Q. Is there a piece in the museum? A. There may be or may not, for aught I know.

Q. You don't seem to have been very intimately acquainted with the contents of that museum? A. I think I am very intimately acquainted with the contents of it.

Q. Then tell me if there is anything there of this sort? A. I never saw any there.

Q. Ever looked for any? A. No.

Q. Ever see any anywhere else? A. No, — excuse me, I did see one abroad.

Q. Tanned at Moudon? A. No; this was tanned in Ger-

many, near Holske; the skin of Ziska, the Hussite reformer. He had his skin tanned and made into the head of a drum.

Q. That was more than one hundred years ago? A. It is still in the museum.

Q. Having captured his enemy he made his skin into a drum-head. A. I think that was the story. In other places I may have seen skins.

Gov. BUTLER. And the difference between us and Ziska is that we skin our friends.

Q. Now, doctor, when was this disease, this sickness of Dixwell's? A. I cannot remember the date.

Q. Was it more than two years ago? A. I cannot remember. I should say it was more than two years ago.

Q. Was it three? A. I came home from abroad in 1875, and I think about a year or two years after I came from abroad he was sick.

Q. Do you know that Dixwell, before he was sick, gave the same testimony substantially before the grand jury that he has here? A. I do not.

Q. Didn't you ever hear of that? A. No, sir.

Q. And yet, it was in the newspapers, was it not? A. I dare say it might have been.

Q. But you never heard of it. Now, what public employment has he had — Dixwell? A. He has been connected, I believe, with the society for the prevention of cruelty to children, and some society for rescuing Italian children.

Q. How long was he director of the society for the prevention of cruelty to children? A. I don't know, sir.

Q. Was he police surgeon anywhere? A. I didn't know there was such an office as police surgeon. I think there was some talk about creating the office. There may be such an office, but I didn't know there was.

Q. I don't know whether there is such an office, but there is such a designation. It is not an appointment, it is a designation. A. There may be an agreement among the police.

Q. You don't know anything about it? A. No, sir.

Q. Was there another society, for the prevention of cruelty to animals? A. There was another society, but I don't know the name of it. After he left the society for the prevention of cruelty to children he went into that, but I cannot remember the name of it.

Q. Very well, some other. Now we will go to another

thing, sir. You say that when he was in college — you testified that he dressed fashionably and well, according to the fashion of the day? A. Yes, sir.

Q. Not in any exaggerated style? A. No.

Q. And then when he was in the medical school he left off his dandyism a little, didn't he, and didn't dress quite so well. A. Didn't dress quite so well.

Q. And then, in these latter days he don't dress. He dresses in a coarse coat? A. His coat would not be coarse, as I have noticed; it would be good enough.

Q. Then he has not lost his neatness. Well, it would be a coat of another color? A. He might wear a cloak, for example, instead of a coat. I think I have seen him wear a cloak, or a shawl, or something of that kind.

Q. He might wear a cloak or a shawl instead of a coat. Now, then, what other difference have you seen in his dress? A. Well, I think he was rather fond of affecting old-fashioned hats, or something of that sort.

Q. A soft hat? A. No, but a broad hat.

Q. Broad-brimmed? A. A sombrero.

Q. What else did you see? A. Well, the cut of his coat would be a peculiar one.

Q. A peculiar one. That might be the fault of his tailor? A. Yes, sir, it might have been the fault of his tailor, but a peculiar tailor.

Q. What other evidence of insanity did you see about him? A. More in his statements than in his dress.

Q. Pardon me, you gave an opinion as to his sanity to Mr. Brown and you stopped at his dress and his nervousness. A. Well, I was not asked about any other.

Q. You were not asked, and thereupon you gave an opinion on that, and thereupon you said what you had seen and known of him. Now, you think it was insane statements? A. He has made peculiar statements.

Q. Will you tell me one he made to you? A. Mainly statements of a private character.

Q. What? A. I mean personal character; with regard to matters which, perhaps, should not be stated here; with regard to his wife and family.

Q. Some statement with regard to his wife and family. Did you investigate those statements? A. No.

Q. Do you know anything of your own knowledge whether

they were true or not? A. Well, the result proved they were not true.

Q. How do you know the result? A. Well, he stated that —

Q. Well, I leave out statement now, because I agree it is not fair. A. Well, this was with regard to the life and death of his wife.

Q. Did she die? A. No; she did not.

Q. And he told you his wife was dead? I don't see any contradiction there.

Mr. Brown. You don't let him tell it.

Gov. Butler. I don't object to it, but he objected. I only want to know what the result was.

The Witness. Well, her not dying was the result.

Q. Well, did he think she would die? A. If you will allow me to make a statement, of course, I will, although I do not think it would be well to do so.

Gov. Butler. Yes, precisely. You and I both agree it would not be quite well, and you are not anxious to do it. I think it proper that you should not, because it might affect somebody else. He will be here sometime to speak for himself. Perhaps he may give some incident in your life before he gets through. Who knows?

Q. Now, what other statements did he make about his wife and family,—about her life? A. Well, he made a number of extravagant statements.

Q. Well, without characterizing them, what were they? A. very wild statements.

Q. I know; that is only another way of stating it. Give us the wildness of it. A. Well, some of his statements were such that it would be disagreeable for the committee to hear, and for me to repeat.

Q. Did he ever make a wild statement that was not a disagreeable one? A. Well, he has made statements that were astounding ones, so astounding I could hardly believe they were true.

Q. Precisely; but that was so when Fulton claimed that he could make a steamboat? A. Yes, sir.

Q. Give me one that won't hurt anybody's feelings. A. I cannot recall any one that would not.

Q. Then, his statements were only about people, and he said

he knew things about them that you would not believe? A. Well, they were such that I could hardly believe them.

Q. But you didn't investigate them? A. No: they were so apparent.

Q. They were so apparent to you that you didn't investigate them to see whether or not they were true, as a matter of fact: you don't know? A. I think I knew they were not true.

Q. Well, without investigation, you knew they were not true? And they were about some people? A Yes, sir.

Q. And you thought, because you knew the people, the statements were not true? Now, I want to show you the difficulty about that. Suppose a man had told you that Professor Webster would commit murder about a fortnight before he did, wouldn't you have known well that that was not true? A. I should have thought so.

Q. What? A. I was not alive at the time.

Q. How old are you? A. Thirty-five — yes, I was alive.

Gov. Butler. Now, you see, it is easy to make a statement that is not true, and astounding ones, too. That is all.

Q. (By Mr. Brown.) You say that he made some statements to you which seemed preposterous, and for that reason you drew the inference? I want to know if he told you in regard to the female school-teachers of Boston; what they did to get their appointments as teachers? A. Yes, sir.

Q. Tell the committee what he said about that.

Gov. Butler. I am content, if the committee are.

The Witness. I don't think it is worth while, and I should say it was not the thing to be done.

The Chairman. Our nerves are pretty strong; I will risk it.

Gov. Butler. Then I shall want to investigate the truth of the statement.

The Chairman. Yes; you can have all the time you want.

Gov. Butler. All right; let him give it.

The Witness. He made a statement that every schoolmistress appointed in Boston could not retain her position unless she submitted herself to the school-committee,—a statement that I didn't investigate. And he stated that he got it on the authority of another gentleman, who denied ever having made that statement.

Q. Did you investigate him? A. I asked him.

Q. Who was that gentleman? A. Dr. Folsom.

Gov. Butler. Well, we will see about that in good time.

Q. (By Mr. BROWN.) One question I omitted, and that was this: whether you ever heard, or had any reason to know, while connected with the medical school, that Andrews was in the habit of selling bodies of babies? A I never heard so.

Q. (By Gov. BUTLER.) You never wanted to buy one? A. No, I never wanted to buy one.

Q. (By Mr. BROWN.) Now, I want to know, — you say you have heard people state that Dixwell was not to be believed, and I want to know what ground these people put it on.

Gov. BUTLER. I object.

The CHAIRMAN. I don't suppose that is material.

Mr. BROWN. I ask the question for this purpose: I think it will appear that the cause why his reputation for truth and veracity has been questioned is this: that he has been regarded as a man of unsound mind, among those who knew him best, for a series of years.

The CHAIRMAN. This witness has so testified, if I understand it; if that is what you want to know.

Mr. BROWN. He has testified as to his own opinion. Now, I want to know if the people who expressed the opinion that Dixwell was not to be believed, did it on any particular ground, and, if so, what?

Gov. BUTLER. I object: it is not common sense, nor horse sense.

Mr. BROWN. I don't press the question, if the committee don't desire it.

Gov. BUTLER. Life is too short to go into these collateral investigations.

Q. (By the CHAIRMAN.) I want to ask you a single question. Did you go and tell that story to Dr. Folsom? A. No, sir; I asked Dr. Folsom whether he had made such a statement.

Q. Did you tell him that Dr. Dixwell made such a statement? A. I told him that Dr. Dixwell told me that he had heard such a statement from Dr. Folsom.

Q. (By Gov. BUTLER.) Will you kindly tell me when that was? A. I should say that was two years ago; I cannot remember the exact date.

Q. Did you tell it to anybody else? A. I don't remember telling it to anybody else.

Q. Do you know whether you did or not? A. I don't know whether I did or not.

Q. Did you ever say anything to Dr. Dixwell about it afterwards? A. No, sir.

Q. In what connection did that come up? A. No connection. I met him on the street, and he rushed up and made that statement.

Q. You met him on the street, and that was all that he said? A. Yes, sir.

Q. He was coming up, and you were going down, or else he overtook you? A. I don't know which way it was; I was going up Tremont Street, I think, as far as Temple Place, and he came across the Common and met me.

Q. And the first thing he said was what you say? A. Yes, sir.

Q. And that was all? A. He may have made some casual remark that I don't remember.

Q. He said that, and then went away? A. Yes, sir.

Adjourned until Thursday, May 17, at 9.30 A. M.

THIRTY-SECOND HEARING.

THURSDAY, May 17.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Proceed, Mr. Brown.

TESTIMONY OF FREDERICK C. SHATTUCK (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name is what? A. Frederick C. Shattuck.

Q. You are a physician, and reside in Boston? A. At 135 Marlborough Street.

Q. A graduate of the Harvard Medical School? A. Yes, sir.

Q. When did you graduate? A. In 1873.

Q. When did you enter? A. I entered in 1868; but I was absent for a year, or more than a year.

Q. What year was it you were absent? A. I was absent in the winter of 1869, and part of the winter of 1870.

Q. Was it the winter of 1869–70, or the winter of 1870–71, that you were absent? A. I was absent a portion, or a whole, of both winters: I don't remember the exact dates.

Q. Now, as a student at Harvard College, did you have occasion to know Dr. Dixwell? A. Not very much.

Q. How frequently did you see him? A. I met him from time to time.

Q. In the dissecting-room? A. I think so; my remembrance is not perfectly clear as to that, — as to exactly where I met him.

Q. How frequently have you seen him since you graduated from the college? A. Not very often.

Q. Do you recollect his appearance at any time in the dissecting-room at the Harvard Medical School? A. Not distinctly; not especially.

Q. Do you recollect any peculiarity in his dress while he was there as a student in the dissecting-room?

Gov. Butler. Isn't that going a little too far? However, it is only a matter of time.

The Witness. I don't remember anything very particular at that time.

Q. Now, Dr. Shattuck, are you acquainted, — are you familiar with Dr. Dixwell's reputation —? A. Yes, sir.

Q. — For truth and veracity? A. Yes, sir.

Q. What is it? A. Well, I should not put it exactly truth and veracity.

Gov. Butler. Then, Mr. Chairman, he should not put it at all. Stop right there.

Q. (By Mr. Brown.) You say you are acquainted with his reputation for truth and veracity?

Gov. Butler. He said yes, but he should hardly put it truth and veracity. Now, just see. You asked him if he was familiar with his reputation, and he said he was. He didn't put in his reputation for truth and veracity.

Q. (By Mr. Brown.) Now, I ask you what is his reputation for truth and veracity?

Gov. Butler. I object. He says he is not.

Q. Well, are you acquainted with his reputation for truth and veracity? A. Yes, I am.

Q. Now, what is it? A. If I could qualify the word truth; I don't think that he intentionally tells what he believes to be untrue, but I think his statements are wild.

Q. Does he enjoy the reputation of making wild and exaggerated statements?

Gov. Butler. I object.

The Chairman. I don't see as that is competent, unless it will tend to show that he is insane, or something of that kind.

Mr. Brown. Well, Mr. Chairman and gentlemen, the difficulty is just here. If I understand, a large number of Dr. Dixwell's personal friends acknowledge that his reputation for truth and veracity is bad, because they regard him as a man with a diseased brain.

The Chairman. Then show that.

Gov. Butler. Show that. A man may be a very truthful man, and yet have disease of the brain.

Q. Now, sir, what is your ground for believing, and, so far

as you know, upon what ground is he considered a man whose reputation for truth and veracity is bad?

Gov. Butler. I object.

The Chairman. I don't think it is competent.

Gov. Butler. Here is a man; if he is insane, we will take him as insane; if he is a sane man and a lying man, we will deal with him in that way; but we cannot have the two things mixed. If he is insane, and thinks he sees babies when he don't, that is one thing; if he is a liar, and has not seen any, and will swear that he has, that is another thing.

Mr. Brown. Well, I suppose, Mr. Chairman, it would be possible for him to think he sees a thing and not see it, and, at the same time, we would not call him a liar. Now, I don't suppose that the law, when it points out that he may be impeached for bad reputation for truth and veracity, I don't suppose the law exempts or prevents me from showing the reason because it is a diseased brain. Neither do I suppose it is necessary for me to go to work and prove the diseased brain in order to get in the evidence, if I can show that his reputation is that of a man who is diseased, and who, in consequence of some disease, exaggerates and tells false things which are not true, — call it lying, or anything you see fit. What we want to get at is the fact. We are after the truth. We want to know whether Dr. Dixwell told the truth. In doing so, — in coming to that conclusion, — we inquire what is the reputation of the man, and we find that he enjoys the reputation of being a man who is untruthful, — who exaggerates. He imagines he sees things when he don't, or he thinks that certain facts exist when they don't. And the reason — and it is a charitable one — which his friends give for this is that he is not sound in his mind. Now, I submit that it is perfectly proper for me to say that, having shown that his reputation is bad, I am not obliged to show that he is devoid of being in his right mind, and that he is devoid of moral sense. It is simply necessary for me to show that his reputation is what I have shown by the witness; and it seems to me perfectly competent for the witness to explain to the committee the ground on which he understands his reputation stands.

The Chairman. If he swears that his reputation for truth and veracity is bad, that is all you want; if the other side don't go into the inquiry, you need not pursue it.

Mr. Brown. I understand; but I want to do Dr. Dixwell and

his friends perfect justice, and I am perfectly willing that the witness should explain.

Gov. Butler. Precisely. God save a man from so many friends of this description.

The Chairman. If you propose to prove the reputation of a diseased brain, you should prove a diseased brain and not reputation.

Gov. Butler. Let us see where we are for a moment. This gentleman with frankness and fairness has told us, not that his reputation as a truthful man is bad, because if a man has a diseased brain and sees a thing, has a delusion and sees a thing wrong, it would be untruthful if he didn't state it as he saw it. That would be the height of untruthfulness. If he sees a delusion from a diseased brain and states the delusion as he saw it, that is the height of truthfulness. Now, I understand that the real law means that where a man's reputation for truth is in question the veracity is always added: and for this reason, a man's reputation for truth is one thing, his reputation for veracity is another thing. Veracity is the intention of telling the truth, truthfulness is doing it. That is the distinction between the two. Now, if he fails in that intention because of a diseased brain, why, then, this evidence is not competent. It must be as to his intent to tell that which is not true for the purpose of injuring another, if you want the truth; otherwise Æsop's Fables would be a very untruthful book. Now, let us apply a little of the ordinary rule of law. The party who is attacked must be, — the witness must be one that says in the first place, "I know him, and I know those who know him; I know his reputation as a truth-telling man and as a veracious man"— to wit, a man intending to tell the truth as he sees it — "to be bad." Now, I submit Dr. Shattuck has not qualified himself, and don't want to qualify himself, to say that; and he has nowhere said his character for veracity is bad.

The Chairman. I think the ordinary question should be put, — whether he knows what the reputation of Dr. Dixwell is for truth and veracity.

Mr. Brown. That he has answered, that he did.

The Chairman. Well, if he says that, then you may ask him what it is.

Gov. Butler. He now says he wants to qualify his first answer.

The Chairman. That is a question of law to be settled.

Mr. Brown. The question of fact seems to be whether I asked him the question.

Gov. Butler. That is on the record.

Mr. Brown. I will make the record right: I will put the question which you say ought to be put.

Q. (By Mr. Brown.) Now, Dr. Shattuck, do you know what the reputation of Dr. Dixwell is for truth and veracity? A. Yes, sir, I do.

Q. Now, what is it? A. I should like to ask the definition of truth and veracity; that is the difficulty, — the legal definition.

Q. Then, I will put this question to you, — never mind the legal definition: I ask you what you understand by the meaning of the words "truth and veracity;" give us the answer according to your understanding.

Gov. Butler. Beg pardon; I object.

The Chairman. That won't do, Mr. Brown. He says he knows what it is, already; he must exercise his own judgment.

Q. What is it, doctor? A. What is Dr. Dixwell's reputation for truth and veracity?

Q. For truth and veracity. A. It is not good; it is bad.

Mr. Brown. That is all, sir.

Cross-examination by Gov. Butler.

Q. Now, doctor, has he any reputation for wilful lying? A. No, I don't think he has.

Q. Has he any reputation for stating anything different from what he believes to be the fact, for some reason or other? A. I don't know that he has.

Gov. Butler. That is all, sir.

Q. (By Mr. Brown.) Now, —

Gov. Butler. That is the end of this examination, — the end of this and of you, too.

Q. Now, you say he hasn't the reputation of stating that which is wilfully false —

Gov. Butler. I object.

Q. Then, upon what does his reputation rest?

The Chairman. Governor, I didn't get your question and the witness's answer, exactly.

Gov. Butler. I asked him, in the first place, Has he any rep-

utation for stating that which is wilfully false? He says, No. I asked him, Has he any reputation for stating the fact different from what he believes it to be? He says, No. And there is the end of the examination.

The Chairman. Isn't it competent for Mr. Brown now to ask him what he means by "wilfully false," following out your cross-examination?

Gov. Butler. No, sir, I think not. I think when a graduate of Harvard College and a graduate of the Harvard Medical School uses the English language, he is supposed to use it in the sense which the grammars and dictionaries of the English language use it, and that we are not to sit here and go into the state of his condition of view by the party who calls him. Because, otherwise, if we have got to examine every one of the hundred students or two hundred a year that were there as to their knowledge of the English language, well, I guess I shall live as long as the rest of you and average of you, — but life won't be long enough to finish this investigation. He asks him, Do you know his reputation? Yes. For truth and veracity, — what is it for truth and veracity? Well, he says, I should want to say something, qualify something. He is interrupted: then a discussion. Then he is asked, Do you know his reputation for truth and veracity? I had explained what that meant, — and I understood the law, and my brother Brown would not impugn that condition of things. Then he asked him. Well, he says, It is not good, — first hesitating: then he says, It is bad. Mr. Brown says, That is all. Very well: then I ask him, says I, Is his reputation that of a man who will wilfully tell an untruth? No. Is his reputation that of a man who wilfully misstates? or, states a thing knowing it to be otherwise, I believe, was my language. He says, No: I say, That is all. And that ought to be the end of the examination, and I will ask a vote of the committee upon it, if it is necessary.

The Chairman. The committee hear the —

Mr. Brown. I simply wanted to ask the question for the purpose of bringing out what the witness understood the reputation of Dr. Dixwell for truth and veracity to be bad on account of.

Gov. Butler. That thing cannot be done by the party propounding the witness. That is a matter of the cross-examination, as the chairman has once ruled.

Mr. Brown. Well, Mr. Chairman, it is a matter of so little

consequence, the witness having given the answer that he has, that I will withdraw it.

The CHAIRMAN. Call the next witness, then.

Mr. BROWN. Dr. Folsom!

Gov. BUTLER. Wait a moment; I have something else to ask him.

Q. (By Gov. BUTLER.) Well, doctor, did you ever happen to see a baby in that institution? A. Yes, sir.

Q. When first? A. When I was a student.

Q. Well, you were a student at two different periods; the first time? A. No, I think it was the second.

Q. Where did you see it? A. In the museum.

Q. Any other place? A. No.

Q. Never saw one except in the museum; preserved in spirits? A. Yes.

Q. Were you ever in the morgue, or death-room? A. Yes, sir.

Q. What did you see there; how many times? A. Two or three times.

Q. What did you see there? A. I saw one or two bodies.

Q. Ever see more than one or two? A. No.

Q. Never did; in the two or three times you were there you never saw but two bodies? A. No.

Q. And, so far as you know, there never were but one or two bodies in the dissecting-room? A. That is all I ever saw.

Q. In the little room, I mean? A. That is all I ever saw.

Gov. BUTLER. Yes, I say as far as you know.

Q. (By Mr. BROWN.) You never saw any there at any time while you were a student except as you have stated? A. No.

Q. Well, sir, how frequently were you in that dissecting-room?

Gov. BUTLER. You mean the dissecting-room?

Mr. BROWN. Yes.

Gov. BUTLER. I have not inquired about the dissecting-room.

Mr. BROWN. You asked him, anywhere.

Gov. BUTLER. And then he said the museum.

Q. How frequently were you in the dissecting-room?

Gov. BUTLER. I thought we had agreed we had got the dissecting-room out of the way.

A. I can't say how frequently I was there.

Q. Now, are you aware of the fact that there was a little room adjoining the dissecting-room where bodies were kept? A. Yes.

Q. Did you ever see bodies of babies in that room? A. No.

Q. What part of the time while you were a student did you spend in that dissecting-room? A. In 1868, in the autumn of 1868 and in the autumn of 1870,— I should say autumn and winter of 1870–71 ; and I was in there at other times during the rest of my course.

Q. During these particular times you were there a considerable portion of the time? A. I was there more or less ; I can't remember how much.

Q. Now, sir, if there had been as many as 200 babies in that little room there, and dissecting-room, in a year, in the years while you were there, — say, for instance —

Gov. Butler. I object to that, as I did yesterday ; that is entirely incompetent.

Mr. Brown. I don't know how you could tell whether you want to object ; I hadn't finished my question.

Gov. Butler. It is bad enough as far as it has gone.

Mr. Brown. How do you know but it might improve as I went on?

Gov. Butler. You couldn't make it any better.

The Chairman. Don't make it leading, Mr. Brown. Put it generally, — if there were dead bodies.

Q. Now, if there had been as many as 200 babies in that institution, in that little room next to the dissecting-room, in the course of any year that you were there after 1870, was your position such that you would have been likely to have seen them?

Gov. Butler. I object. He has told us that he was once or twice in that little room, — three times.

Mr. Brown. And didn't see any.

Gov. Butler. He has told us that he didn't see any baby, and only a body or two. Very well ; I contented myself with that.

The Chairman. I think the general question may be put, if he desires it, what opportunities he had for seeing.

Gov. Butler. Oh, yes ; I don't object to that.

Mr. Brown. That, I think, he has explained. He has told us how frequently he was in the dissecting-room.

The Chairman. It seems so to me.

Mr. Brown. And, of course, I understand these bodies were there in the ordinary and usual course of business.

Gov. Butler. I don't understand they were ever there in the dissecting-room in the ordinary and usual course of business.

Mr. Brown. I don't understand that anybody ever had any doubt about it till you suggested it day before yesterday.

Gov. Butler. About what?

Mr. Brown. About that these bodies that Dixwell testified to were there in the dissecting-room and the adjoining room in the ordinary and usual course of business of dissecting at that college.

Gov. Butler. Well, I suppose the statement comes from the impossibility of your seeing the point. I recite it once more: The dissecting-room is a place where the students have to dissect a part of a body as a part of their class exercises. That body must be the body of an adult, and they buy the body of an adult and pay four times, perhaps five times, six times as much as they would for an infant, if they were "lucky enough"— to use Dr. Hodges' phrase — to get one. But, on those tables at that time, in class time, there is no body there except the bodies of adults. And I don't claim it, and I would not believe it, as a rule, during class hours, if it were stated. But that there were bodies elsewhere is not proved by showing they weren't there out of dissecting hours. It don't prove that they weren't there out of dissecting hours. We went all over this yesterday, and spent a good deal of time upon it, so much so that the chairman checked me for the time I took about it, — and I am afraid that I was rather open to that, upon reflection, — but I want to stop this calling of the men of no eyes, the men that didn't see. There are men who go through the world and never see anything. There are other men that will see a great many things, because they look around. There are stupid blockheads in every school, that don't see anything, don't know anything, and don't learn anything, not even the use of language. Well, now, — and there is a very different class of men there, who are ardent dissectors, and who are ardent students, and who are prying, — men who do see. Now, then, he has shown exactly what his opportunities are, and the question is, — he says he was in there three times, as he remembers it, and he didn't

see but two bodies, — one or two bodies, he isn't certain two. Very well: now, we know that they were there all the time, had to be there every day, because there had to be five on the tables, ten on the tables, if they had enough, and they had to be brought out from that room. Well, it is a case of no-eyes. Did the chairman ever read Franklin's beautiful little story of "Eyes and No-eyes?"

The CHAIRMAN. He has.

Gov. BUTLER. One man passed through a journey and never did see anything, and another man passed through a journey and did. That explains it all.

The CHAIRMAN. Now, let us see if the committee understands the position. As I understand it, the Governor does not claim that the bodies of babies were dissected in the general dissecting-room during class hours; he does claim that bodies were dissected in that general dissecting-room out of class hours, and, perhaps, in special dissecting-rooms or lecture-rooms.

Gov. BUTLER. Yes, sir; somewhere. Because we have produced these in evidence; they were produced, dissected there.

The CHAIRMAN. We then understand that the general dissecting-room, in general class hours, is eliminated from the issue.

Gov. BUTLER. Yes, sir.

Mr. BROWN. Yes, but, Mr. Chairman and gentlemen, there is one other thing, that I think the chairman has not stated, that has been eliminated. If you refer to the record of yesterday you will see that His Excellency disclaimed that there were any babies in the dissecting-room either in or out of class hours. And I then followed with this proposition: If you will disclaim that there ever were any babies, as Dr. Dixwell testified, in the little room used as a receptacle for the bodies of persons to be dissected, except such as might have been brought there surreptitiously by Dixwell and Andrews, or either of them, then I will stop.

The CHAIRMAN. That he declined to do.

Mr. BROWN. That he declined to do.

Gov. BUTLER. Yes.

Mr. BROWN. Now, if the thing was not there, — and I am satisfied it never was, — that is, the body of an infant, this man and no other man, whether he be a blockhead or a very bright man with bright eyes, could have seen it. And, therefore, I can't prove that it wasn't there because a man didn't

see it. The evidence that a man saw a thing is not met and contradicted by the evidence of another man who says he didn't see it; but the courts invariably allow a party to meet the issue by showing that another party, who had an equal opportunity, or a good opportunity for seeing and did look, did not see.

The Chairman. Exactly; you can put that question.

Mr. Brown. That is exactly what I am going to do.

Q. Now, Dr. Shattuck, you had an opportunity, from the fact that you were in that dissecting-room —

The Chairman. Ask him what opportunity he had.

Gov. Butler. He tells him.

Mr. Brown. He has already told.

Gov. Butler. Then you don't want to ask it again.

Mr. Brown. I want to call his attention to it.

The Chairman. He said, as I remember, that he was in there two or three times and didn't see.

Mr. Brown. He was in the dissecting-room constantly; and the chairman will recollect that nobody can go in and out of that receptacle without going through the dissecting-room.

Gov. Butler. The difference is that they can go in and out of the dissecting-room without going through the little room.

Mr. Brown. Very true; but they can't get into the little room where Dixwell has put the bodies without going through the dissecting-room.

The Chairman. You can ask him how much he was in the dissecting-room.

Q. How much were you in the dissecting-room during the three years? A. I was there in the winter of 1870 and '71 tolerably regularly; afterwards occasionally.

Q. Tolerably regularly; what do you mean by that? A. I mean I was there for some weeks a fair portion of the time; then, for some weeks, not there at all; and then, again, for some weeks, for several hours a day.

Q. Did you ever see any babies brought in or out of that receptacle, — that room used as a receptacle for bodies? A. No, sir.

Q. (By Gov. Butler.) Now, sir, did you ever see any body during class hours, — you were in there in class hours, I suppose, when the class was there? A. Yes, sir.

Q. Now, did you ever see any body of any sort brought into that dissecting-room and carried into that receptacle while the

class was going on with its demonstration? A. Carried into the receptacle?

Q. Yes. A. No.

Q. No: of course not. Then, so far as you know from being there during class hours, there never was any body got into that receptacle? A. I never saw any body carried in there.

Q. Carried in. Well, I suppose, doctor, this is it. — it comes from the way the question is put. — I suppose this is it: that when the class was there they didn't deliver bodies from the street into that receptacle? A. I don't know; I never saw a body carried in there.

Gov. Butler. You never saw them. That settles it. That is all, doctor; I won't trouble you any further.

Dr. Charles F. Folsom (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. Charles F. Folsom.

Q. And your residence? A. 85 Newbury street.

Q. You are a physician? A. Yes, sir.

Q. Did you graduate at the Harvard Medical School? A. Yes.

Q. When? A. 1870.

Q. That is, before July? A. Yes, sir.

Q. How long had you been there? A. I am not quite sure whether I entered in 1865 or 1866. I was away most of the year from 1865 to 1866; I did very little work there till the fall of 1866.

Q. Did you, at the medical school or elsewhere, become acquainted with Dr. John Dixwell? A. Not at the medical school.

Q. Where? A. I have known him since.

Q. And during what period of time have you known him? A. I could not say. I should say at least six years, probably much more than that; I can't place the time when I became acquainted with him.

Q. Did you ever tell Dr. Dixwell that before any lady could be appointed a teacher in the city of Boston she had to submit herself to the school committee?

Gov. Butler. Stop! I object to that question. It never was heard of in a court of justice or anywhere else.

The Chairman. How is that competent, Mr. Brown?

Mr. Brown. It is perfectly competent, Mr. Chairman, and I have known the question put, — I have put it myself repeatedly, in cases where the question as to a man's soundness of mind was in issue. As, for instance, suppose a party to be upon trial for the purpose of seeing whether the court shall appoint a guardian, it being alleged in the petition for the appointment that the man is of unsound mind; and the petitioner further sets out in specification, or at least in evidence, that the party has certain delusions. Take a case which I tried recently in Middlesex, where a woman was charged with having certain delusions. She was seventy-six years old, and she said that a certain man, who happened to be named Shattuck, on a certain day in 1873, when she was standing by the grave of her husband, offered to marry her. The court permitted me to follow that out for the purpose of showing, first, that she said it to somebody that this man Shattuck did offer to marry her; and the court further permitted me to call the man Shattuck, who said he was not at the grave; and, putting the things together, the court came to the conclusion that this woman had a delusion upon that subject. Now, I say it is perfectly competent. It appeared here yesterday, brought out by the cross-examination, in part, of His Excellency, that this man Dixwell had made this astounding statement to this Dr. Bradford, as coming, — Dixwell said it came from this man Folsom, who is now on the stand. I purpose, now, to show that Dr. Folsom never said anything of the kind. Then this committee will have an opportunity of judging whether this man Dixwell is to be believed; and, after this is settled, I will go one step further with the witness.

Gov. Butler. Don't tell us what you will do; just stick to what you are doing.

The Chairman. I understand you offer this on the point to prove a delusion, — that Dixwell —

Mr. Brown. To prove this man's unsoundness of mind. He has been here as a witness and testified, and I purpose now to show, — I have gone one step in showing that his reputation for truth and veracity is bad, — and I purpose to show that this man is regarded, — I am going to put the evidence before this committee to show —

Gov. Butler. Well, now, don't let us have any more proclamations; just stick to what is to be done here.

Mr. Brown. Don't be troubled by my proclamations.

Gov. Butler. There is no need of it.

Mr. Brown. I will take care of them. If the committee permit, I am going to show, just as I have said, what the fact was about this singular declaration.

Gov. Butler. Now, then, we have this condition of things, and sustained by the ruling of some probate judge, somewhere, *ex relatione*. That is the authority. I undertake to say, on my part, that in a very many years of practice, I never heard of any such thing. Just see where you would be, in a minute, by the illustration. The old lady said a fellow promised to marry her, and he swore he didn't. That is all. Of course he would, she being old and not comely. He would have every inducement to do so. And he chose not an unheard of place, because Shakespeare, in the tragedy, you know, of Richard III., makes the courting on the way to the funeral. And we are asked here, in a grave investigation, to deal with Dr. Dixwell, first upon the testimony of a witness, whom you saw and everybody else saw, that Dr. Dixwell rushed up to him in the street and said that, and rushed away, and then — the witness feeling it necessary to sustain himself somehow, — "and he then rushed away." And now, then, — and that he told him that a Dr. Folsom testified to it, told him so. Now, then, they produce one Dr. Folsom, who did or who didn't. How does that contradict anybody? If he had happened to say John Smith instead of Dr. Folsom, you would have seen at once the difficulty of meeting that case. I have no doubt he can find a half-dozen Dr. Folsoms. And that only illustrates the danger of going into this, to try the credibility of a half-dozen witnesses upon the furthest hearsay, — he said that somebody else said. Now, then, the delusion must, whenever it is proved, must be in regard to the matter in hand. Because a man may have a delusion on some subjects and not on others. A man may have a delusion as to the chastity of women and the probity of school committees, and not be able, under that delusion, to tell the fact about them except exaggeratedly, — say all of them when he only meant a few, — because we can remember a scandal that was going around this city not a great while ago, and if anybody wants that thoroughly probed, it can be. And I said, yesterday, God forbid going into this; but, if we are going into it, it must be gone into. And, thereupon, we are called upon to investigate that. The school committee of Boston is not before you, the lady school teachers are not

before you for their characters to be overhauled. And this committee solemnly voted, by a vote which I won't characterize, that I should not even ask where the demonstrator of anatomy of Harvard College got his extra bodies, so as to verify the truth of the statement that he only got so many, — which I can verify, or rather settle, by and by, even without that testimony —

Mr. Brown. Don't give us any proclamations.

Gov. Butler. I am not. Now you see how difficult it is for the counsel to draw distinctions. I said, "I can verify" it another way, — not that I was going to I didn't proclaim I was going to; I only stated your ruling in regard to the source of evidence. Now, then, — and what was the ground it was urged upon? On the ground that you were not investigating these people. They were not here; they were not represented by counsel; that it had nothing to do with Tewksbury. Not many, none of the lady school teachers are from Tewksbury, so far as I know, or it appears here. Now, then, what I desire, in the interest of common decency, is that the committee sha'n't drive me into this investigation; because I, of course, rely upon their fairness; if they allow it to be heard, after this objection, they must allow me to go on, and I may be forced to go on. Now, I don't want to do it. I don't want to have it said of me that I have gone into this investigation; I shall do the best I can to prevent it, and not till by determinative vote of this committee that I shall go into it, will I go into it; and then I must do so to defend the character of a man that has heretofore never been tarnished, so far as I know, in this community, as an insane man, and to defend the character of a witness on somewhat an immaterial point. For the only difference now between Dr. Dixwell and the rest of the Harvard College people is in the number of infants. They agree to some. That will do for my purpose in investigating this matter just as well as though there were a hundred, or two or three. We have got a substantially immaterial point, — a delusion of exaggeration, that is all. Truthful in intention, agreed to by the last witness on the stand. And, in order to go into that, the counsel insists that the committee shall go into what he said to Dr. Folsom and Dr. Folsom said to him on that question; and then, I must ask Dr. Folsom if he has not made the statement somewhere else, and what he has said upon the subject some-

where else, and bring witnesses to show what Dr. Folsom said, and so on. I don't want to do it unless you require me.

Mr. Brown. Mr. Chairman, perhaps I can assist His Excellency in this matter. Will His Excellency agree or concede that Dixwell's statement in regard to the number of bodies at the medical school is exaggerated? If so, I will stop.

Gov. Butler. I don't know, — because he didn't put an exaggerated number. He gave it to you in this way, gentlemen. Now, just see what he said. There were so many students; he was paying out money, other students were paying, and he should say, from the number of students being something over two hundred that were there each year while he was there, and their eagerness, — they were eager to get them, — that there must have been two hundred. He didn't pretend to be exact; I don't pretend to be exact. But he did give something that has not yet been touched. In the first place, that he was,— and he has been confirmed,— that he was a devoted, enthusiastic anatomist. Now, they don't ask this gentleman on the stand anything about what he saw there, yet. And he wasn't there but a very short time in Dixwell's time. So we are not upon that question. now. My brother is trying all manner of tentative bargains with me to see if he can't be excused in some way from bringing other doctors here, out of whom I think I make a little more than he does, and I don't want to excuse him; I want him to bring them all on.

The Chairman. Governor, did Dixwell testify that other students bought babies? Can you turn to it?

Gov. Butler. Oh, yes.

Mr. Brown. He testified that he himself had two or three each week. Now, I will take the smallest number, two babies a week. Does His Excellency agree that that is exaggerated?

Gov. Butler. Not a bit.

Mr. Brown. Not a bit?

Gov. Butler. No.

Mr. Brown. Very well; then I think I must go on.

The Chairman. He said "I saw several hundred a year, certainly."

Gov. Butler. Yes; he said he saw them.

The Chairman. Now, if he said other students bought them, I don't recollect, now.

Gov. Butler. And, as Dr. Hodges said, thought they were lucky to get them.

Mr. Brown. On page 24 he says, "They were dissected on the tables in the dissecting-room with the bodies of animals."

Gov. Butler. We are not through upon that, yet.

The Chairman. If he said anywhere that other students bought babies, I should like to have it turned to in the record.

Gov. Butler. I have not looked at the record, sir; I never do, because that confuses me. I keep my case in my mind. The chairman will remember he said that a classmate of his bought them,—I remember that, now,—and that they dissected together, and took it over to his dissecting-room, and that they were accustomed to get them and carry them home, because they were easier to carry away than a leg or an arm.

Mr. Brown. On page 25 the question is asked him by the Governor, "Did you see other students pay for bodies as well as you?" A. "Everybody paid; the hat was handed around when the bodies were brought in; they all had to pay before they could touch a body."

Gov. Butler. That is, the bodies of adults.

Mr. Brown. That is immediately following the testimony where he says these babies were dissected on the same table with adults and other animals.

Gov. Butler. Yes, sir; so they were, but not at the same time.

Mr. Brown. Now, Mr. Chairman and gentlemen, if the objection to my question is that there is a doubt as to whether this is the Dr. Folsom referred to, that can be settled beyond question; because I purpose to go further to show that Dr. Bradford called the attention of this witness to the statement which Dixwell had made to him, and that this Dr. Folsom heard, and was interrogated, if I recollect correctly, by other parties to whom Dixwell had told the same story; and, if I am not in error, this Dr. Folsom had a conversation with Dr. Dixwell upon that subject. So there can be no question as to the identity of this person as the Dr. Folsom referred to.

Gov. Butler. That is not shown, now, and, to show simply this, to see where we are, — to show simply that this man says, "Dr. Dixwell told me so and rushed away," and then this Dr. Bradford comes up to this Dr. Folsom and says, "Did you say so?" "No," — that would rather tend to show that was the wrong Dr. Folsom, — that would not prove that this was the man that Dixwell spoke about at all. But, what I object to, is going into this thing at all.

The Chairman. I suppose he may prove that Dr. Dixwell was a man laboring under a delusion; and that was a —

Gov. Butler. Yes, sir; that is, a delusion of the description which we are inquiring into here.

The Chairman. Any delusion which would tend to show a diseased mind.

Gov. Butler. No, sir; I don't mean to say that. I met once, in an asylum, a man who insisted that he was the Saviour, and upon every other matter he was the most accurate, truth-telling man on earth, — he felt his character required that of him. It don't follow. It must be a delusion on this subject. If he can bring any witness that shows that Mr. Dixwell sees babies where they were not, and sees animals where he didn't dissect them, — why, then, I am content; but this is going too far away, altogether. If any of you gentlemen of the committee will have the kindness to go down to Dr. Dixwell's office and look into it, you will see that he has a great fondness, I think, for dissecting animals, whether it may be a delusion or anything else. You can't go in there without knocking over one, hardly. But you can go and see for yourself, if you want to, or the counsel can go, — anybody can go. But, I am showing you that it is too remote. Let us see. You have got to make three inferences to get at it. A man has a delusion about a given thing. We investigate and find out that he has. Very well. From that we infer unsoundness of mind about another matter: that don't, by any means, follow. You haven't got a step. Therefore,—the reporter don't tell us,—in the case of this old lady, if her delusions were about getting married, why, then, that might be we should get one step nearer to it; but if her delusions were about how many chickens the old hen had last spring, the fact that she thought she had an offer of marriage at the grave would not seem to have much to do with it. So, we don't find out about this at all. I simply want to be relieved, gentlemen, from going into this investigation, which I must press, if it is going to be put before the committee to affect their judgment.

Mr. Brown. Mr. Chairman, I want to say a single word. His Excellency says that if Dr. Bradford went to Dr. Folsom, and Dr. Folsom denied, that would be evidence tending to show that this was not the Dr. Folsom referred to. Very well. Then it would be incumbent upon me to call every Dr. Folsom there was in Boston, for the purpose of exhausting the doctors

to find out who it was; and the first thing I should do would be to call this man. Because I find, from other evidence, that there is a probability that this was the man referred to. Now, I don't claim that Dr. Dixwell has a delusion on the subject of the number of babies at this institution. What I claim, and what the evidence tends to show, is this: that Dr. Dixwell, by reason of unsoundness of mind, is a man who is constantly making exaggerated statements in regard to matters of fact; and that is a question that this committee want to know. They want to know, and it is of vital importance for them to know, whether, when Dr. Dixwell says he dissected two or three babies in each week which he got at the Harvard Medical School, they were the property of the Harvard Medical School,—as they infer that from the fact that they were dissected on the tables with adults and other animals —

Gov. Butler. That was not so; that was not so testified.

Mr. Brown. The question for this committee to ask themselves is this: Is this man Dixwell to be believed? Now, if I show that this man Dixwell is in the habit, — he has got a reputation for truth and veracity which is bad, — that he is in the habit of telling exaggerated stories about other things, — and this story in regard to the Boston schoolma'ams, you will notice, must have an element of wickedness in it, — because no man could hardly think of telling such a story as that, without he had from either disease or some other reason a lack of moral sense —

Gov. Butler. Now we have it.

Mr. Brown. If, I say, I show that he is in the habit of making these exaggerated statements, that does inform the committee about it, gives them some data by which to go in determining whether this statement which he made in regard to the Harvard Medical School is true.

Gov. Butler. Not at all.

Mr. Brown. His Excellency then said that if my widow, referred to a few moments ago, had a delusion on the subject of marriage, that my illustration would be pertinent.

Gov. Butler. Oh, no.

Mr. Brown. Now, I say Dr. Dixwell has a delusion on the subject of constantly making exaggerated statements, and any exaggerated statements he has made would be competent for the purpose of showing that. Now, I submit, Mr. Chairman, to the committee, that this is perfectly competent. It is, to take

the illustration of His Excellency yesterday, it is in the strict line of good Yankee sense. It is something you want to know. It is something you can know by permitting this witness to tell whether he ever told Dr. Dixwell any such story. And what will follow the relation of this witness to Dr. Dixwell in regard to this story, — I think the committee will have no difficulty in seeing that, in that matter, Dr. Dixwell not only exhibited a diseased brain, or, if he didn't have that, he had positive and absolute malice and wickedness.

The CHAIRMAN. I will submit it to the committee.

GOV. BUTLER. Now, this is a new element in this question. You want to show that a man has an absolute malice, now; that is the ground it is put on, absolute want of moral sense. It has now cropped out what all this means, — it is in order to get a fling and an aspersion upon Dr. Dixwell's character in another direction. Now, gentlemen, I appeal to your good sense as men in society, whether you will go into this investigation.

MR. PUTNEY. Mr. Chairman, it seems to me that if Dr. Dixwell's mind is unsound, and he has made these random statements under a delusion, if evidence cannot be brought before this committee which will substantiate that without going into an investigation of the character and chastity of the school teachers of the city of Boston, — it seems to me, as one of the committee, that this is not a proper question to be put, because it opens up an investigation which certainly seems to me ought not to be brought into the case.

MR. BROWN. Will the gentleman allow me a single word. I don't intend anything of the kind suggested. I simply want to know whether he did ever tell Dr. Dixwell that story.

GOV. BUTLER. And after that I must ascertain whether it was true or not.

MR. BROWN. I don't think that follows. It is not of the slightest consequence whether this story is true or false.

GOV. BUTLER. Why not?

MR. BROWN. The question is whether this witness told Dr. Dixwell so; that is the question, now.

GOV. BUTLER. Gentlemen, this is it: here is a man, a surgeon, physician in the city of Boston, has been going around, lo, these twelve years, — yes, these twelve years, — a member of the Massachusetts Medical Society, under the eye of his brethren, where his delusions, if he has them, must be fatal for

his patients, because in the exaggeration of mind he may think he must give them twenty grains of morphine instead of three, and that would be a fatal dose. Now, if he has those delusions, with all these doctors who are his acquaintances, that can be proven by bringing them in and asking them, Have you seen any evidence of these delusions? What is that evidence to your mind? What in his acts and his daily life and conversation? This thing is stuck to because it is hoped to get up a furore against Dr. Dixwell because he has made a statement reflecting upon the chastity of women. Therefore, it is of great consequence whether that is true or not. He may have mistaken the vehicle of his knowledge, but if the fact is true then he is under no delusion. I am under no delusion if I should say here, as I frequently do, such a witness said so. I may mistake the witness, because that is immaterial, but if I state you the fact that was proven by a witness, that is a material fact. Now, don't let us move this question.

The CHAIRMAN. Any other member of the committee anything to say?

Mr. CHAMBERLAIN. Mr. Chairman, it seems to me that what the committee desire to know is whether the statement of Dr. Dixwell was true or false, and, if he has made mistatements in other directions, it would have its bearing upon this question. With regard to whether it is a lie, or whether it is told through a delusion, is a very nice point which, it don't seem to me, we care very much about. But I do want to know whether Dr. Dixwell testified falsely: whether what he stated was true or untrue. It seems to me this has a bearing upon it. I shall vote to admit it.

The CHAIRMAN. Anybody else? The question is whether Dr. Folsom shall answer the question as to whether he told Dr. Dixwell that the school teachers of Boston had to submit themselves to the committee before they could be employed as school teachers.

[The question was excluded by a vote of 4 to 5.]

Q. (By Mr. BROWN.) Dr. Folsom, how frequently have you seen Dr. Dixwell since he graduated at the Harvard Medical School? A. That is a rather difficult question to answer. I have seen him off and on in a friendly way for quite a number of years; I don't consider myself thoroughly well acquainted with him.

Q. What do you consider his reputation for truth and veracity? A. I should say it was bad.

Q. And you do know it? A. So far as people with whom I have talked.

Q. (By Gov. Butler.) What, sir? A. With the people who have said anything to me about it. Of course I could not tell what the whole town of Boston, for instance, says about him.

Q. (By Mr. Brown.) With the people with whom you have conversed, what is it, good or bad? A. I should say it is bad.

Cross-examination by Gov. Butler.

Q. Were not you a member of the Board of Health? A. Yes, sir; I was the secretary of the board.

Q. You were the secretary of the board some time ago? A. Yes, sir.

Q. Now, then, won't you tell me what man or woman you have heard say that Dr. Dixwell's reputation for truth and veracity was bad? A. I have not heard anybody say that.

Q. Very well; never heard that. A. I have heard them state their own beliefs.

Q. Pardon me, not their own beliefs; I have not asked that. You will please confine yourself to my questions. Will you state when did you ever hear, and by whom, the first time, — put the two together? A. I can tell you when, sir: I can't tell you by whom.

Q. Then I don't care, if you can't tell me by whom. Tell me whom you ever heard, till within the last three months, question his character for truth and veracity? A. Well, I have heard it a number of times.

Q. I don't ask that, sir. Now, you must answer my questions, even if you didn't get reappointed on the board. A. I was reappointed, sir, and resigned, — reappointed and resigned.

Mr. Brown. So, you see, you sometimes make mistakes.

Gov. Butler. Pardon me, I understand it all.

Q. Now, then, please answer my question, and not whether you heard it several times. You know better than that. Will you swear, so I can call the person, till within the last three months? Well, doctor, life is short. A. I have been trying to think who the people are. It is a matter which I naturally haven't thought a great deal about, nor cared to. There certainly was one whom I remember, who was formerly connected

with the Society for the Prevention of Cruelty to Children, Mr. Hinckley; and I have heard some of his own relatives say so,— I would not want to say who.

Q. I didn't ask you that; I only asked you to tell me a man or woman's name; I can't call all the relatives. A. I don't know, I am sure.

Q. Do you think a man's reputation for truth and veracity is very bad when a witness has to stop and think three minutes to think of anybody who has ever spoken about it to him? A. I cannot say I have heard anybody say anything about it for within the last two years, till within a couple of weeks, but since that time I have heard it very often.

Q. Since that time, yes. A. No, I said previous to that time. It was a time when there was some sort of an investigation here at the State House about the affairs of the Society for the Prevention of Cruelty to Children; there was a good deal said about it at that time. I can't tell you what persons there were.

Q. Pardon me; if you can't tell me, why go on and put in all that, sir? I told you to answer my question, and you force in everything else. Now, then, Dr. Folsom, I want you, — when were you first called upon to come here as a witness? A. Yesterday afternoon.

Q. By whom? A. The officer, I suppose.

Q. Had ever anybody talked with you about Dr. Dixwell's character for truth and veracity, about your testifying upon that subject, or asked you what you knew about it? A. Nobody, except those at my own table.

Q. Did they ask you whether you were going to testify? A. Dr. Bradford is living with me at present —

Q. Oh, yes; you and Dr. Bradford are living at the same house. How long have you been associated with Dr. Bradford at the same house? A. Only since the Hotel Berkeley was burned.

Q. And there it has been talked about? A. Very little was said.

Q. Had anybody else talked with you about what you would testify about Dixwell's character for truth and veracity? A. I don't think Dr. Bradford has asked me what I should testify.

Q. I say talked about the subject. Now, understand my question. You have been a Harvard graduate; who has talked with you about coming here to testify about that? A. No-

body, I think, until this morning at breakfast. That is, nobody asked me what I might testify, or what my testimony would be.

Q. Or what you knew. You never heard about it until after you knew that Dr. Bradford had been here to testify? A. As to my coming here? No, sir; I hadn't the slightest idea

Q. Now, then, you have had this morning, at any rate, to think over who those people were who have been talking about Dixwell's character for truth and veracity. You were summoned this morning? A. I was summoned yesterday afternoon.

Q. Then you have had since yesterday afternoon to think about it. Did you know you were to be asked this question? A. I hadn't the slightest idea what I was to be asked.

Q. Not the least idea in the world? A. Not the slightest idea.

Q. But Bradford was on the stand in the morning yesterday? A. Yes, sir.

Q. Now, doctor, we will leave that. I want to see — you were at the Harvard Medical School in 1868? A. Yes, sir; from 1866 to 1870.

Q. Did you ever go into the little dead-room? A. I don't remember ever to have been in it.

Q. Did you ever see, either by any demonstrator in anatomy, or any other of the professors delivering lectures, an infant exhibited in the lecture-room to show the fœtal circulation, or for any other purpose? A. Yes, sir. I think Professor Jackson does that every year.

Q. And has done it ever since; isn't that so? A. I attended his lectures, of course, only one year. Professor Jackson's course, of course, I went to only one year.

Q. What year was that? A. I won't be sure which year: it was either 1868 or 1869.

Q. Did he have a freshly dissected child? A. It was shown on only one infant, and I could not say about that; I do not remember definitely.

Q. Well, was that a baby which was not preserved in alcohol, not in a bottle? A. I cannot say positively about that.

Q. You cannot say positively about that? A. No.

Q. You don't know? A. No, sir.

Q. You cannot remember whether you looked through a bottle? A. No; it was not in a bottle.

Q. It was not in a bottle, at any rate? A. I don't remember whether it was a dried or a fresh specimen.

Q. Well, it was either a dried or a fresh specimen — You mean one freshly dissected? A. Certainly.

Q. And to be a dried specimen it must have been dissected some time? A. Yes, sir.

Q. And if it was a dried specimen it was a valuable illustration? A. Certainly.

Q. And it was used for the information of the class? A. Yes, sir.

Q. And was a good thing to be used? A. Yes, sir.

Q. Well, then, as the class evidently saw that, and wanted to know about the formation of babies, because one was exhibited to them, might not they, if they wanted to pursue the investigation further, might they not have profitably dissected one themselves, if they were lucky enough to get one? A. I think so.

Q. Profitably? A. Yes, sir.

Q. Then anybody who says there cannot be anything found out from dissecting a healthy baby have made a mistake, haven't they? A. I think the fœtal circulation —

Q. Never mind what particular part. A. Yes, sir.

Q. Don't you think you could distinguish in a year-old or a month-old baby the lobes of the brain? A. No; I think not.

[Recess for five minutes.]

Q. Now, doctor, when you were a student at the medical school, there was a room where the class dissected? A. Yes, sir.

Q. What was done with the remains? A. If I remember correctly, they were put into a tub or pail, I don't remember which, and removed from time to time.

Q. Do you know where? A. No, sir; I don't know; I have no idea.

Q. Nor ever made any inquiry? A. If I did, I have forgotten; I don't remember anything about it.

Q. Do you know whether there was any vault under that dissecting-room at that time? A. No, sir; I don't; not to my knowledge.

Q. Do you know whether water froze in it? A. No, sir; I don't.

Q. You never saw; you never were in that room? Who was the janitor when you were there? A. Mr. Andrews.

Q. All the time? A. I am not quite sure whether he was all the time that I was connected with the school or not: he was while I was in the dissecting-room.

Q. Who was before him? A. That I cannot remember.

Q. Could you remember the name if you heard it? A. I should have said, Mr. Littlefield; but I would not be quite positive.

Q. No, no; Littlefield was there in Professor Webster's time. A. I don't know when the change was made.

Q. And the reward made him give him up. Was there not a Mr. Waterhouse there? A. I don't know, sir.

Gov. Butler. I believe it is understood that he is dead — Mr. Waterhouse.

Mr. Brown. I cannot say.

The Witness. I cannot say that I remember the name.

Mr. Brown. There was a witness who said that he left the institution; but whether he was dead, or not, he didn't know. I asked what had become of him, and the witness said he didn't know.

Q. (By Gov. Butler.) Well, now, sir, did you ever dissect any animals? A. Not when I was connected with the medical school; I had previously — previous to going to the medical school.

Q. Didn't you dissect any while there? A. No, sir.

Q. Do you know whether the professors or any portion of the officers dissected in that dissecting-room, except to show the students? A. I beg your pardon.

Q. Whether any of the officers of the college — and by that I include anybody who had to do with it, except students — whether they dissected in that dissecting-room? A. The demonstrator of anatomy was there.

Q. To show students? A. He would occasionally dissect to show students how, or to show some interesting operation.

Q. That I can understand. But did he dissect anything to show himself? Did he do any dissecting there of his own? A. Not so far as my knowledge goes.

Q. Now, suppose he had a dead baby to dissect, he would dissect it somewhere else. A. I don't know.

Q. A monstrosity? A. I don't know.

Re-direct examination by Mr. Brown.

Q. The governor brought out the fact that you were connected with the Board of Health, Lunacy and Charity? A. Board of Health, I think.

Q. When did your relation to that position cease? A. The Board of Health was abolished in 1879, and I became secretary of the new Board of Health, Lunacy and Charity.

A. When did you resign? A. I resigned that position, if I remember — it was a salaried office and I was one of the officers of the board — I resigned that position, I think, not quite three years ago. Then I was appointed on the board and still remained the secretary without a salary. I resigned that position a little over two years ago.

Q. Now, how long were you connected with the Board of Health? A. With the Board of Health under the old name?

Q. Yes. A. Well, about five years; a little less than five years. I don't know when I was appointed. I was in Europe at the time, and I have forgotten. My memory is that I entered upon my duties in September, 1874, and the board was abolished in May or June, 1879, if I remember correctly.

Q. Now, as secretary of that board, was it any part of your duty to visit public institutions? A. As secretary of the Board of Health, it was not my duty to do so, unless I was called upon. As secretary of the new board, or rather as health officer of the new board — I was secretary and health officer both — I was expected to keep some sort of a run of the public institutions, as to their sanitary condition.

Q. As secretary of the old board, did you visit?

Gov. Butler. I object. This is not in answer to any part of my cross-examination. I simply asked him to identify him as the Dr. Folsom that I knew.

Mr. Brown. Well, I am aware it is not any part of your cross-examination. I didn't know — I should have known, because I recollect now that I did know very well the doctor's relation to this board.

The Chairman. You say you didn't put the question because you omitted it?

Mr Brown. I omitted it because I didn't know when the doctor took the stand that he was the gentleman I had known a number of years as connected with the board.

The Chairman. Go ahead.

Gov. Butler. I should like to ask him a question or two myself.

Mr. Brown. Do you want to ask yours first?

Gov. Butler. No.

Q. (By Mr. Brown.) Well, you did visit the public institutions as secretary of the old board, did you? A. I visited a certain number of them when I was called upon to do so. I didn't consider it my duty to do so, unless I was asked for some special reason.

Q. Now, did you visit Tewksbury? A. While I was on the old State Board of Health?

Q. Yes. A. I cannot really remember. If I did, it was not more than once or twice.

Q. Did you, as a member of the new board? A. Yes, sir; I went there several times.

Gov. Butler. Just find out the dates. When did his connection with the new board cease?

Mr. Brown. He says two years ago. He says he was first the salaried secretary, and then he resigned and was made a member of the board.

The Witness. As member of the board, and remained until two years ago last February or March.

Q. (By Gov. Butler.) You resigned as secretary? A. As member of the board.

Q. (By Mr. Brown.) Now, doctor, as member of the new board, whether as secretary or otherwise, did you visit Tewksbury? A. Yes, sir; I went there a number of times.

Q. Your relation to the new board commenced in 1879, and in what part of the year? Give me, as nearly as you can, the date? A. I could not say positively, without referring to the law. My recollection is, it was the last of June.

Gov. Butler. I can tell you. It was the 30th of June.

Mr. Brown. When the act was passed?

Gov. Butler. The meeting when they organized was held the 30th of June.

Q. (By Mr. Brown.) You were present when they organized? A. No, sir; when they organized I was not a member, and had not been appointed secretary.

Q. Now did you, in 1879, visit the institution at Tewksbury, that you recollect? A. I could not fix any date, but I know I went a number of times while I was connected with the board, and I think I must have gone as much as twice a year.

Q. Did you notify the officers of the institution of your coming? A. No, sir; they had not the slightest idea of it.

Q. Did you ever notify them of your coming? A. The board had a meeting there once.

Q. At the institution? A. At the institution; to decide upon a question which was submitted to them by the legislature with regard to a new building; and I notified the members of the board of trustees that the board would be there to consult with them, at a special time, on that subject. But when I went for private examination, at other times, I did not notify them at all.

Q. Now, I want you to tell this committee, doctor, everything that you saw that was good in that institution, and everything that you saw that was bad. Give us the whole business, just so far as it lies in your mind? A. The work of the board is rather complicated; and, although I was secretary of the board, I never felt, until I was a member of the board, that my duties extended beyond those of health officer, except so far as I was executive officer of the board. I attended the meetings, kept the records, sent the necessary orders to keep people informed of the doings of the board; but as to visiting public institutions, I was very careful to make my examination and to make my criticisms entirely in regard to sanitary matters.

Q. Now, state to the committee all that you recollect to have seen that was good or bad; and you may even go into complaints that you heard, as far as I am concerned.

Gov. Butler. You mean as a sanitary officer?

The Witness. That question reminds me of the fact that I did visit the institution when I was on the State Board of Health, because I remember the comparison I made with my first visit. The institution, during my visits, was always clean, and the beds looked in good condition; and the ventilation was as good as I think it could be with its construction. In some of the sleeping-rooms I thought there were rather more beds than was desirable, but still not more than you often see in military barracks, and not more than you often see in public institutions. The food I always looked into very carefully, and found that very good. I generally went through the laundry and bake-shop, which was quite near the entrance, first, and then went through the other parts of the building. With regard to the inmates, of course, I knew very little, except as I could judge by their appearance, their dress, their cleanliness, and

their general good comfort. I remember having my attention called to this point from the fact that I thought at the time there had been a very great improvement since my first visit, the date of which I cannot recollect.

Gov. Butler. How far is this going back?

Mr. Brown. I will fix that.

Gov. Butler. I wish you would.

The Witness. The part which struck me as having been most improved, although still capable of improvement, was that for the insane. Quite a large yard back of the building, — a new building had been put up; and the amount of mechanical restraint struck me as being rather small, probably smaller than in the average insane asylum.

Q. What do you mean by mechanical restraint? A. Well, what is called muffs, placed on the hands of the patients. They were allowed much more liberty, and they were out of doors more. The rooms were better. They had more space, which they lacked when I made my first visit. I thought there were not attendants enough, and that the number of attendants should be increased. I am not sure whether I made the criticism to the physician and the officers at the time, but my recollection is that I did, and that that was the chief criticism I made. I also thought that it would be an improvement to introduce some methods of employment. But the difficulty of employing that class of insane patients is very great: they know how to do very few things, and it is very difficult to teach them. Still I did think that there could be some improvement in that respect. With regard to the hospital, I thought that was, in the main, fairly well managed; not as well as I should want to see it, — not as well as I thought it ought to be done. I don't remember what criticism I made in regard to the number of nurses, but it seemed to me that it would be possible to improve the quality; and yet it is an extremely difficult matter to arrange. The duties of a nurse, and of an attendant, in such an institution as that, are so disagreeable that it is very difficult to get competent persons to stay. I don't think of any other criticism.

Q. Now, doctor, see if you can locate your first visit in any capacity in which you went. Fix the time when you made your first visit; prior to 1879, of course. A. That would be impossible for me to do, sir. It must have been after 1874. I cannot even recall the object of my visit. The only thing that I

can recall about it is, that the almshouse generally, and particularly the insane department, seemed to be much improved over the condition in which I had seen it before. That is the only point.

Q. (By Gov. Butler.) That must have been the second visit? A. Well, I was describing my first visit as officer of the State Board of Health, Lunacy and Charity.

Q. (By Mr. Brown.) Now you spoke of cleanliness. I want to know what examination you made for that purpose — to ascertain whether the institution was cleanly? A. I went through every ward of the building, and I removed the covering from a large number of beds, to see if they were in good condition. And I observed the appearance of the patients' faces, hands and clothing.

Q. Did you examine the beds in the insane department, do you recollect? A. Yes, sir, I did, a very large number of them.

Q. Did you examine the bathing apparatus in the insane department? A. I think I must have, and yet I have not a very definite recollection about that. I was at that time visiting nearly all the public institutions, and I have not now access to my notes.

Q. Now, sir, as to the food; you say the food was good? A. Yes, sir.

Q. What do you mean by that? A. I mean to say it was better than would be found in institutions of a similar kind in England or Europe, and they are, I think, as good as any I have seen in this country, generally.

Q. In this country? A. In this country, generally; particularly of this class.

Q. Now, I want to ask you — because I had seen you years ago but had forgotten you — I want you to tell this committee what experience you have had in examining these institutions in England and in Europe? A. I have been over quite a number of them.

Q. Well, how thoroughly have you examined them in England? A. I have been over them pretty carefully.

Q. Take the Continent, and what institutions on the Continent have you examined? A. In Berlin, in Vienna —

Q. Paris? A. I have never been over many of them in Paris; only one or two.

Q. What other part of Europe? A. In England and Scotland I have been over quite a large number.

Q. Now, as to the quality of the flour, did you examine that at Tewksbury? A. I judged of that only by the bread, some of which I ate.

Q. Well, as to the quality of the bread, whether it indicated that it had been properly kneaded, with a proper amount of yeast and all that sort of thing? A. At the time I made my visit, the bread was certainly excellent.

Q. Now, as to the laundry — tell us what you saw about that? A. When I first went there the old laundry was in use. That was rather small and rather cramped. There was a fire there, I think in the first winter of the existence of the new board, and I think the legislature voted to build a new laundry, the plans and specifications to be subject to the approval of the board. I think I have not seen that new laundry since it was finished.

Q. Now, come to the insane department proper. Have you read the testimony of Dr. Tucker given in this case? A. No, sir, I have not.

Q. Well, you speak of an insufficient number of attendants, or rather the very small number of attendants. Would you recommend an increased number of attendants in the insane department? A. At Tewksbury?

Q. Yes. A. If the number is the same as when my visit took place, I most certainly should.

Q. Now, how many inmates should you say there should be to one attendant? A. That is a very difficult matter to make any general average about; it would depend very much upon the class of patients, and there of course they change.

Q. Considering what you saw when you went there? A. Well, I should not think that one attendant to every ten or twelve patients was any too many.

Q. Suppose, I should say to you, that in the insane department at Tewksbury, for a series of years, there had been but one attendant to twenty-three patients, what should you say? A. I should say that confirmed just about my recollection of it.

Q. Somewhere, thereabouts. Would you say that there existed an insufficiency? A. I should say that the patients could not be properly treated with that number.

Q. This being a female ward, a female insane hospital, if you had one attendant to twenty-three patients, whether or not,

in your judgment, it would be necessary that some part of those attendants, a certain number of them, should be males? A. Well, I think women would be in a little danger in trying to handle some I have seen there, unless they had pretty good numbers.

Q. If you were obliged to have a small number of attendants, whether or not you would consider it necessary to have some of those attendants males?

Gov. Butler. In the women's department?

Mr. Brown. In the women's department.

The Witness. Well, it is a little difficult to say what I would do myself. I would say that there are some insane patients at the different asylums, and probably at Tewksbury, that less than two women, and in some cases less than three, could not take care of them during their paroxysms without being themselves seriously injured. And I have myself seen attendants, some of the best attendants we have had, even when two were trying to deal with such a person while under excitement, so injured that they did not get well for six weeks or two months — cases where they appeared quite seriously injured. I should consider it my duty to guard against everything of that sort as far as I could.

Q. What, doctor, should you consider, from your experience and observation, a fair price per week or month for a female attendant in an insane department like that at Tewksbury? A. Well, that is a little difficult question to answer. I don't think you can get first-rate attendants to stay there very long at any price.

Q. Why not? A. Because the duties are so onerous and disagreeable.

Q. Now, another question. Whether you have the same difficulty elsewhere? A. The same difficulty we find in other insane asylums.

Q. You find the same difficulty in all the insane asylums of the State? A. Yes, sir; certainly.

Q. Whether there is any difference in the conditions by which these persons can be hired in Boston — for instance, take the asylum at South Boston — more easily than at Tewksbury? Whether the price is more or less than it is in Tewksbury? A. That I don't know.

Q. You haven't had any experience? A. I collected the statistics in regard to that one point, but I don't remember.

Q. You don't recollect what it is. Now, do you recollect

what the bathing apparatus was when you first went to Tewksbury?

Gov. Butler. He said he didn't.

Q. Now, you spoke of the hospital. Did you examine the foundling children, the children's hospital, and the lying-in hospital? A. When I first made my visit there the practice of keeping infants in the almshouse had been given up to a great extent. That is to say, they were kept there no longer than necessary. I went through that department which was devoted to that purpose; if I remember correctly that has been somewhat enlarged and improved since then — either enlarged or improved. I think I made the criticism at the time that they were insufficient.

Q. Now, doctor, as to the number of attendants in the hospital, — for instance, take the men's hospital, directly on the left of the gate way, — what is your recollection about that: sufficient or insufficient? A. I don't recollect in regard to that.

Q. Did you ever examine the list of articles purchased for the institution at Tewksbury for the purpose of forming a diet for those people, sick and well, sane and insane? A. I attempted at one time to compare the diet lists of the various public institutions in this State with each other and with those of England, Scotland and Europe. I had got the work only partly done when I gave up my connection with the board, and I never finished it.

Q. Now, from your recollection of the diet of Tewksbury as compared with that of other institutions, including the hospitals in this State, how was it, as far as you recollect? A. Well, it certainly is not nearly as good as that in some insane asylums; it was not as liberal — without such variety.

Q. Now, from your experience and observation at Tewksbury, considering the number of children, infants, sick people, insane people — whether, in your judgment, there should be expended in that institution, for the purchase and preparation of a diet, a large number of articles that hitherto haven't been used, or that have been used to a very limited extent? A. I think that would be true of the hospital department and of the insane department. With regard to the others I don't feel very sure. I should want to go over the matter very carefully before giving a positive opinion.

Q. Now, take the hospital department, and explain fully what, in your judgment, ought to be changed, if anything. A.

It would be a little difficult for me to do so, because I have given up my connection with the board for two years, and these are only matters of recollection; they were, of course, matters of record at the time. I can only say it seemed to me they needed more in the insane department in the way of attendants, and they needed a little better variety of food; more nourishing food, — nearly all the insane people there are broken down in health, physically, — and that in this hospital department they needed a better quality of nurses and a greater variety of food. As to making such changes, I could not without going over the question again.

Q. That is, as to specific articles? A. No; not without going over the ground again.

Q. What, if anything, have you to say in regard to the quantity and the sufficiency of the clothing at the institution while you were there connected with the board? Take the result of your own observation and investigation. A. I don't remember that I had any criticism to make upon that point; I don't recollect now.

Q. I want to ask you this question, doctor. Whether there is, in that men's ward of the hospital, any room which can be used and occupied by nurses who are attending the dying, and in which the dying can be placed? A. Not to advantage.

Q. Now, sir, is it not a fact that, for want of room, when a patient dies he dies in the general ward, with all the other patients at hand to observe all that takes place at his death-bed?

Gov. Butler. Did he ever see one die there?

Q. (By Mr. Brown.) Did you ever see one die there? A. Yes, sir.

Q. Well, is there any place where a dying man can be put so that the dying scene shall be removed from the other inmates in that institution? A. I could not say in regard to that, sir.

Gov. Butler. The plan shows the rooms.

The Witness. I don't think I asked any question in regard to that.

Q. Now, doctor, I want to ask you this question. As an officer of the old board, or of the new, did you familiarize yourself to any considerable extent with the applications which were made by the officers of the institution to the committee on finance for expenditures or appropriations, and the purposes for

which the appropriations were asked? A. I cannot say that I did, in detail, at all.

Q. Well, generally, did you? A. I went over them each year as they were made, but it was not part of my duty to criticise them particularly; if I had any suggestion to make I was expected to make it. I didn't go into that so carefully as some other officers and members of the board.

Q. Do you recollect whether the amount of money asked for was always received? A. No, sir; I do not.

Gov. Butler. We can test that, Mr. Brown. In the first place the estimates were sent to the auditor; then the auditor sent them to the legislature; and by comparing the estimates of the auditor, sent by the auditor, and the amount of the appropriation, we can show whether they were cut down or not.

Q. (By Mr. Brown.) Do you know how many inmates there are in Tewksbury, or have been for the last five years or ten years, — the average, about? Take it while you were connected with either board, and what was the average, about? A. That I cannot say. There are quite a number of institutions, and the number is changing all the time. Certainly, over five or six hundred, I should say. It is not a matter with regard to which I would care to testify.

Q. Now, doctor, I want you to tell us what you saw that was bad and objectionable, just as fully as you are able, — the full extent of it.

Gov. Butler. You put that question some time ago, and he has been answering it.

Mr. Brown. Then I won't go into it: I will turn him over to you, and you just get it out of him to your heart's content.

Gov. Butler. I will try.

Re-cross examination by Gov. Butler.

Q. In the first place, about these institutions visited in Scotland and England; were they government institutions, or only county poor-houses or almshouses? A. Those are all under government supervision under recent laws.

Q. How recent? A. I cannot give you the date of that. If I remember correctly, the law was passed at the same time the so-called local government law was created.

Q. You don't help me, because I don't know when that was.

A. I think, sir, within ten years.

Q. When did you visit them? A. I was over there in 1873, and again in 1874.

Q. That was before you were a member of the board? A. Yes, sir; I have been over three times since.

Q. Did you go there officially? A. I did not go to the institutions officially. I went, if I remember correctly, in 1875 officially, to make investigation in regard to the sewerage of some of the larger cities, and the methods of disposing of sewage.

Q. That is, as I understand it, your business was that of a health officer? A. At that time; yes, sir.

Q. Now, then, I want to come — that was the old board; you were on the board of health? A. Yes, sir.

Q. And not of the board of charities while that was a separate board; you were only looking into the question of health, and at all times you were looking into your own duties? A. No, sir, I can hardly say that; I was obliged to write in regard to matters of public health and matters of lunacy. And, although that was my strict duty, I visited other institutions.

Q. But you did not officially? You did it simply as a matter of love? A. I have never visited anything on the other side of the water officially.

Q. What? A. I have never visited any institutions on the other side of the water officially.

Q. Now, you went over there to look after sewerage? A. That was at a special time.

Q. Now, I want to ask you about the constitution of matters. Prior to 1879 there was a board of health? A. Yes, sir.

A. And they looked after health? Then there was a board of lunacy? A. No, sir; no board of lunacy.

Q. There was a board of charities to look after charities. Then there was no board of lunacy, but those matters were looked after by the trustees, I suppose, of the various insane hospitals? A. The board of charities had some sort of connection with the insane asylums, exactly what I don't know. They had the power to transfer patients, and they were supposed to have some power of criticism; exactly what that was I don't know.

Q. Now, then, were you a member of either board at the time there was a transfer of children from Tewksbury; that is,

when they were taken away from Tewksbury? A. Infants, you mean?

Q. Infants. A. Yes, sir.

Q. What? A. Yes, sir; I think that was done — I won't be sure when that was done, but I think it could not have been more than three or four years ago, certainly between three and six; I won't be sure about that.

Q. Now, as health officer, was not your attention called to the great death-rate among infants at Tewksbury? A. I know the fact about it.

Q. You knew the fact? A. It is always so in all large institutions.

Gov. Butler. Now, doctor, I must ask you to answer my questions.

The Witness. I beg your pardon.

Gov. Butler. Now, sir, we have an institution where we don't have any die, only occasionally, not all the time; and if you will confine yourself to answering my questions I will be obliged to you; if you don't I shall take such means as I am obliged to have you.

Q. Now, then, before the time they were taken away what percentage of infants died? A. I could not tell you, sir; it was very large.

Q. Ninety? A. I could not say, sir; I don't know.

Q. Will you say it was not even larger than that? A. I don't know, sir, what it was; I knew it was very large.

Q. Did you write a paper upon it? A. Upon infant mortality at Tewksbury?

Q. Yes, sir. A. I cannot recollect it, sir; I may have done it. I have written a good many papers in my day that I have forgotten all about. I have had several called to my attention that I had forgotten.

Q. Were not reports made to the board of health? were not reports made by you about it; and you were the health officer? A. Yes, sir; it is possible. I cannot remember now.

Q. Well, you have the reports? A. I have the whole series; yes, sir.

Q. Won't you have the kindness to look and see if you can find such a paper, and bring it in in the morning. A. I am quite sure I have not written any full paper on the subject; I may have written some short communication.

Q. Whatever you have, little or much, I would like. A. I

will see if I can find it. I don't remember it at the present time.

Q. And if there are any papers on that subject during the time they would have come from you? A. To the Board of Health?

Q. To the Board of Health. A. Not necessarily, sir; they might have come from the physician living at Tewksbury who is correspondent of the board.

Q. Then they would be signed by his name, I suppose? A. Not necessarily. The reports of the correspondence don't usually have any name signed to them.

Q. How do you find out whose they are? A. Well, the manuscript gives the name, but I mean as they are printed. They are all on file.

Q. They would be shown by excerpts? A. They would be shown by extracts, but we don't put in any particular man's name. The physician's name is not given.

Q. They would be those of yourself or those of your adoption, so far as you did adopt them? A. They must have all passed my hands that were printed.

Q. Now, sir, will you say that 90 out of 100 didn't die? A. I could not say. I should say it was very large. I should say it was something over 60 per cent. Further than that I cannot say; I don't recollect.

Q. Do you remember the printed report made to the legislature upon that subject? A. No, sir; I don't.

Q. Now, don't you know whether the Massachusetts Medical Society didn't discuss this question when you were present? A. I cannot recollect it, sir; they may have done so.

Q. You don't recollect whether they did or did not? A. No, sir. I would say, that I have not attended many of the discussions from year to year, because they are all published; but I cannot remember anything of that sort. It may have been done.

Q. Did you go and discuss that? A. At one of the meetings of the Massachusetts Medical Society?

Q. Yes. A. I don't think so; I cannot remember it.

Q. Now, you cannot tell us, from your knowledge of things, whether 60 infants out of 100, or 90 out of 100, died there? A. No, sir; I cannot.

Q. You can tell how clean the clothes were, and how good the bedding was, but you can't remember that? A. No, sir;

I don't remember that. When I became officially connected with the institution, the practice of keeping babies there had ceased; that is, in large numbers. They were sent out to private houses.

Q. I beg your pardon; but when were you on the Board of Health? You were on the Board of Health in 1875? A. Yes; but I had no official connection.

Q. It is only two or three years since they were sent off? A. I misunderstood your question.

Q. Now, then, you went and made an examination, and you can now tell how clean the beds were, but whether the children were dying at the rate of sixty or ninety per cent., you cannot tell? A. Well, if you will excuse me, you have got two different times confused. At this time when I made the visit, it was when I was officially connected with the Board of Health, Lunacy, and Charity; and that was the time when there were comparatively few infants there.

Q. I understand. So the first time you went there, you went there as a Board of Health man, or a Lunacy man? I will make that distinction. A. I don't remember whether I made a visit there when I was a member of the State Board of Health, by request of the officers, for another sanitary examination, or whether I went with some stranger from the other side of the water.

Q. I don't care. You were telling us about two visits. You said you first went there, and the second time you found a great improvement? Now, what I want to know, doctor, is, whether that was when you were a health officer or a charity and lunacy officer? A. When I first went there it must have been when I was secretary of the State Board of Health.

Q. And that was in 1874? A. From 1874 to 1879.

Q. Very well, now. And the second time you went there you were the same officer? A. No, sir. I was health officer of the combined board.

Q. Then, do you mean to say that you went there— How soon after you were made an officer? What board of health did you visit Tewksbury with? A. I cannot say.

Q. Can you tell me within five years? A. No, sir; it was between 1874 and 1879.

Q. That is the nearest you can tell me? A. Yes, sir.

Q. And you never went there but once? A. That I cannot say.

Q. Do you remember going there once? A. I remember I had been there from remembrance of the comparison, but the circumstances under which I went, I cannot say.

Q. I want to know whether you went there but once as health officer? A. Of the State Board of Health?

Q. Yes, sir. Now, when I call you health officer, I mean an officer of the State Board of Health, and when I call you charity officer, I don't want to go through this long name. A. If you will excuse me, there was no such officer as health officer. I was secretary of the board.

Q. I am not to be diverted by that sort of thing. You were there as a member of the Board of Health. I don't care what you call yourself. Now, then, you were a member of this amalgamated Board of Health, Lunacy, and Charity? Now, did you go there, upon your first visit, as a member of the Board of Health? A. I don't understand exactly what your question is, sir. If you mean to ask me whether I went in my official capacity or upon official duties, I don't know. I don't remember when I went there.

Q. You don't know whether you ever went in your official capacity as officer of the Board of Health of this Commonwealth? A. No, sir. The board had no supervision of public institutions by law.

Q. I beg your pardon, we will see about that. I don't ask your instruction in a matter of law. When I want it I will ask for it. I am trying to get at when you went there first. Did you go there officially the first time as a member of the Board of Health? A. That I cannot say.

Q. Now, sir, you know you didn't go there officially as a member of the Board of Health. Now, then, hadn't it been a public scandal from 1872, that these infants, from some cause, were dying at the rate of sixty or ninety — I don't care which — out of one hundred? A. I think the mortality was certainly very large.

Q. Well, I am not now upon the question of the mortality being very large or very small; I am asking you — answer my question — was it not a matter of public scandal from 1872 down to 1879, that there was a great mortality there, sixty or ninety out of one hundred, if you please? Answer that question. A. It was very commonly said, certainly.

Q. What? A. It was very commonly said.

Q. Now, that being commonly said, do you mean to tell this

committee, that as a member of that Board of Health, you never went to see what was the cause of this great mortality, during those years. A. I think it was very well known what the cause was.

Q. I didn't ask that. A. No, I don't think I ever did.

Q. You never did then? A. No, sir.

Q. Then here were the inhabitants of this Commonwealth, dying in a particular place, at a rate of sixty out of one hundred, and a public scandal growing out of it from 1872 to 1879, and you became a member of the Board of Health in 1874, and you never visited to find out what made the people die there? A. I don't think I ever made investigation.

Q. Made no investigation? A. I don't think I ever did.

Q. But in the meantime, you did go to Europe to see what was the matter with the sewerage over there, didn't you? A. I did that by vote of the board; yes, sir. It was an order to make a report to the legislature.

Q. In order to make report to the legislature about the sewerage of Europe. Now, was there any report of the board during all that time, that its health officer had visited Tewksbury to find out why our fellow citizens were dying there at that time? A. I don't think there was while I was a member of the board.

Q. Now, when you did go there in 187–, before 1879, while you were a member of the Board of Health, what position did you hold on that board? A. I was secretary of the board.

Q. You were really the actuary of the board, you were executive officer of the board? A. Yes, sir; I was the executive officer of the board.

Q. You were the executive officer of the board. Now, when you went there before 1879, in that capacity as executive officer of that board, did you inquire into the question why these infants were dying? A. I don't think I did.

Q. Don't think you did? A. I knew already.

Q. Knew already. Now, who told you? A. It is the result of the system, it is a bad system; they can't have a low mortality taking care of children in that way.

Q. Result of the system? A. The result of the system, very largely.

Q. And a system that was carried on there, was it? Did you make any recommendation to the legislature or to your board of health for a change of that system, while you were health

officer, — that is, executive officer of the board? A. I can't remember that I did.

Q. Don't you know that you didn't? A. I certainly can't remember that I did. I don't think there was any recommendation made to the legislature.

Q. Was there to the board of health? I will leave it that you can't remember that you did. A. No, I don't.

Q. Then you left a system of keeping infant children to go on in the institution as it had been going on while you were in charge, or the executive officer, of the board of health, — a system by which 60 or 90 out of 100 must die, without any recommendation of a change of the system; is that so? A. I think so.

Q. What? A. That is my impression, yes.

Q. You knew they must die because of the system, and you let them die? A. Well, I think that is hardly a fair way to put it.

Q. You didn't do anything to stop it? A. I knew that attempts had been made. There was an investigation by the legislature.

Q. But, wasn't that your duty, to look after the health of these people, of the people of the Commonwealth? A. I don't think the board understood that they had any further supervision of the public institutions than to make recommendations when they were asked to do so.

Q. When they were asked to do so? A. When their attention was called to them.

Q. When it was called to them by somebody who had it in charge? A. There was, certainly, no systematic supervision of the public institutions.

Q. What? A. There was, certainly, no systematic supervision.

Q. There was no systematic supervision of the public institutions? A. By the board of health.

Q. By the board of health? A. No, sir.

Q. Then, we find that here in this Commonwealth of ours, where we boast of our government and laws, people were dying, 60 and 90 out of 100, and nobody asked you to go and look after them and you didn't go and look after them, and there was nobody else to see to it but your board? A. I think the Board of Charities, sir, had some sort of supervision there.

Q. The Board of Charities has something to do with it? A. I think so.

Q. Now, then, after awhile, it was changed, was it? A. Yes, sir: that was given as one prominent reason why the change should be made, — that there should be a supervision and control of the public institutions by a central board.

Q. By a central board? A. Yes, sir; and that was one of the strongest points made before the legislature, that there should be such a supervision.

Q. I understand that was the reason given; that was the reason given why there should be a change. But did you know that there had been some complaints made the year before that there were too many separate boards? A. Yes, sir; I was perfectly familiar with that.

Q. Perfectly familiar with that fact; and it had been a matter of public discussion, hadn't it? A. Yes, sir.

Q. And perhaps you remember that I had something to do with that public discussion? A. Undoubtedly, sir.

Q. Undoubtedly, with that public discussion. Now, sir, did you make any public discussion, read any public papers on that question, up to that time? A. With regard to the union of the boards, sir; the duties of the board?

Q. With regard to the necessity of a union of the boards? A. I don't remember that I ever did.

Q. Then you, who were the health officer, knowing all the facts, left it to a lawyer to make the discussion of that question, did you, — if he would? A. Well, the union of the boards was not an idea of mine.

Q. No. A. It was not one I entirely approved of, so that there would naturally be a reason why I should say nothing about it.

Q. You did not approve of that union? A. No.

Q. That is, virtually, then, you wanted the old one to stand as it was? A. No, I didn't.

Q. You didn't want it improved in this way, — if it was an improvement? A. I wanted an improvement to be made by which there should be some systematic supervision and control from the point of view of all the public institutions.

Q. And you resigned, you told us, from the Board of Health, Lunacy and Charity? A. Yes, sir.

Q. Wasn't your reason for resigning that it was so illy constituted, and so made up by law and some other way, that it

could not do anything? A. That was not my immediate reason; that had a great deal to do with it.

Q. That was not your immediate reason? A. I should not put it as strong as you did. I thought that the duties of the board were too complex. I should have resigned on that ground, if on no other.

Q. If you hadn't any other reason, you would have resigned on the ground that the duties of the board were too complex, and they could not carry them out to advantage; but you would not put it so strong as I did. And, unless it is unpleasant to you, — and, if it is, you need not answer, — will you tell me the other reason you had for resigning? A. Well, sir, the immediate reason was this: that I was asked to be superintendent of the Danvers Insane Asylum, and, while I was considering the question, I resigned from this board. I had some thought of going there; I afterwards decided not to go.

Q. You decided not to go, and then you were out of the board and out of the asylum, both. A. I could have stayed in either, sir, if I had chosen.

Q. But you say you would have resigned for the other reason if it had not been for this one? A. Yes, sir; that was my intention.

Q. That was your intention, to resign. Well, now, doctor, when was it, exactly, that this change in taking care of the babies took place? A. I can't say, sir, positively; I should have said it was not far from the time of the change in the boards, and I don't know but that was one of the results: but I can't say positively.

Q. Was it before 1880, '82, '81? A. I should have said it was one of the early things done under the new board: I cannot say positively.

Q. Under the new board? A. That I can't say positively, sir; certainly not far from that time.

Q. The new board appointed all the officers of the old board, didn't it. A. No, sir.

Q. No: you are right. All the officers it did appoint had been officers of the old board: I guess that is the better way of putting it? I will run them right through. A. Yes, sir

Q. Wrightington was an old one? A. Yes, sir.

Q. Wheelwright was an old one? A. Yes, sir.

Q. Sanborn was an old one? A. Yes.

Q. Now, tell me another principal officer that hadn't been an officer of the old board? A. They all were, sir.

Q. Then I was right; they did appoint all the officers of the old board; and all they did appoint were officers of the old board? A. Yes, sir.

Q. So, as far as administration went, it was only a change of form and not a change of men? A. I should not say exactly that, sir.

Q. How did it differ exactly from that; that is what I want to know? A. The board itself was composed of a certain number of men from the old Board of Charities and from the old Board of Health, and a certain number of new men, and they themselves really had the responsibility and control; and the officers were not appointed by the governor and council, but by the board, and were supposed to do as the board required them to.

Q. Now, I want to ask you about that. When the change was made the old Board of Charities were legislated into office? A. That I can't say, sir; I don't know.

Q. And the Board of Health, — weren't they, all of them in the office then, legislated into office? A. All that were then on the Board of Health?

Q. All that were then members of the Board of Health. A. Oh, no, sir; quite a number of them were dropped and not reappointed at all.

Q. Quite a number? A. Several of them. If I remember correctly, only three of the old members of the board were reappointed. I was a member, and I was made the health officer.

Q. Of the old Board of Health? A. Yes, sir.

Q. And how many of the old Board of Charities? A. I can't say; I am not so familiar with that board.

Q. Wasn't there three of those? A. I can't say positively: I am not familiar with that.

Q. And there were nine in all? A. Yes, sir.

Q. Now, wasn't there a majority,—wasn't the majority of the new Board of Health and Lunacy the same men that had been in the old boards? A. Yes, sir; there was a majority.

Q. A majority. Then, wasn't I right, that it was a change only in name, and not a change in administration and in administrative officers, and the board were the same men who had

been allowing these infants to die, lo, these many years? A. Well, I think it was, in one sense.

Q. In what sense wa'n't it? A. I think the new members of the board who came in and the bringing the two old boards together.—I think it made a change, somewhat, in their way of looking at things, and I think it made some change in the methods of administration.

Q. Yes; but the same men were continued? A. Yes, sir.

Q. In the majority: and the same officers were appointed? New offices were made, weren't they? A. New offices were made; yes, sir.

Q. And so they were called by a different name? A. Yes, sir.

Q. And they got the same old men in? A. To a very great extent; yes, sir.

Q. And the same man was left at the head of this slaughter-house of 60 out of 100 that had been there before, wasn't he? A. In the construction of the new board?

Q. Yes. A. I don't know they had anything to do with it, sir; he still remained there; certainly.

Q. What? A. The superintendent still remained there; but I don't know the board had anything to do with it.

Q. Weren't they a supervisory board? A. I don't understand they had the power of removing superintendents or making them.

Q. They had power to remove, through the governor, not to have that man any more. Did they recommend, — now, I want responsibility to rest where it should, or fall where it should, — did they make any recommendation that this man should be removed? A. Not to my knowledge.

Q. Or that he should not be re-elected, — he is the one officer by statute — A. Not to my knowledge.

Q. They left the thing as they found it; or, rather, as they had created it in the old board. A. I don't know about that, sir; I don't know what they had to do with creating it.

Q. You don't know of any change? A. Don't know of any change.

Q. That is, that there was any change? A. I say, I don't know what they had to do with creating it, or leaving it as they had created it.

Q. Without putting too much emphasis on the word creat-

ing, put in permitted? A. I don't think they made any change. suggested any change.

Q. Now, do you mean to tell me that in a properly constructed foundling hospital, with proper nurses, and proper food, and proper air, there is any necessity of there being deaths at the rate of 90 per cent.? A. No; I don't think there is.

Q. Don't think there is? A. No, sir; I don't think there is.

Q. Very well. Now, then, there must be something, either in the air furnished the infants, or in the food furnished the infants, or in the attendance furnished the infants, or in the place they were put, that caused this great mortality?

Mr. BROWN. Or in the infants themselves.

Gov. BUTLER. We will come to that; because I am going to be so rash, Mr. Brown, as to say that they were infants, as a rule, most likely to live.

Mr. BROWN. That would not be strange. You have made more inaccurate statements than that since you have been here.

Gov. BUTLER. We will see.

Q. Now, sir, I am accounting for this great mortality. You have testified that in a proper hospital, with proper care and proper treatment, and proper food, it could have been prevented? A. Yes, sir.

Q. Well, now, then, I then asked you if this mortality must not have been due, substantially, to the want of proper care, want of proper food, or the want of proper ventilation? A. I should say that a mortality of 90 per cent. indicated want of proper care by somebody or other, either before they went to the almshouse or while they were there.

Q. While they were there? A. It would indicate want of proper care somewhere.

Q. Somewhere? A. Yes, sir.

Q. And proper food? A. That would be included under proper care.

Q. Now, doctor, I have heard a great deal about sickly infants; most of them were bastard children, I take it? A. At Tewksbury?

Q. Yes. A. I do not know, sir.

Q. Didn't you so understand it? A. I don't know that I ever had any information on that point. I presume a large portion naturally would be.

Q. Naturally would be. And, going to the next question,

which, if an investigator into physical diseases or pathology you would be likely to turn to, isn't it a rule, well known and laid down in the books, that the bastards, or the first children, are liable to be the strongest? A. I beg your pardon, sir.

Q. Isn't it a rule, laid down in the books, that the bastards or first children are liable to be the strongest? And was not the order of knighthood founded on that question? A. Well, it is certainly a fact in our day and in Boston, that bastard children, as a rule, are not strong and healthy.

Q. I don't know what degree of degeneracy Boston has got into. A. I simply know that.

Q. I am asking you, not what the rule in Boston is — A. I don't know about the rule in the books.

Q. What? A. I never saw that fact stated before.

Q. Won't you look and see if it is not so? A. I will.

Q. Aren't you aware that in history some of the very brightest and best men, and the strongest men, have had the misfortune not to be born exactly at the right time? A. Of course; it happens now.

Q. And are they not, — isn't it so understood among the warriors of the old knighthood, and so on, down, so that they carried it, frequently, — the bar sinister, — on their shields, — isn't it the rule that they are the strongest, physically as well as mentally, as a rule? A. I shouldn't say it was, — not from my experience.

Q. Now, when I ask you what is the result of the teachings of history, you tell me what happens here in Boston; that is to say — A. I know nothing about the other question, sir.

Q. Ah, very well; and you never examined into it? A. Can't remember that I ever have; I certainly don't remember anything about it.

Q. Well, I would, if I were you. Well, now, doctor, which class of infants are most likely to live, if they are put under proper care and nursing when they are very young, — the children of the poor, or the children of the rich? A. That is rather a broad distinction, sir. It depends upon two things, of course. It depends upon the constitution that the child gets from its parents, and, of course, a — the bastard child may get a healthy constitution, and another child may get a very unhealthy one, — and it also depends upon the care they get.

Q. Pardon me; I am not now upon the question of bastards, because this is something we know something about, —

some of us. A. The infant mortality rate, if that is what you wish to know, is greater among the people less able to take care them, — less able to give them the comforts of life, — than among others.

Q. I agree. All that is very well; but it don't answer my question. A. I supposed it was an answer to your question.

Q. Now, I want you to answer this question with proper care — not when the poor creatures are starved to death at Tewksbury, or elsewhere, — but, with proper care, which have the better chance of life, the children of the laboring men, and the poor, — for the laboring men are the larger class of them, — or the children of the rich and pampered? A. That is a question I cannot answer, sir.

Q. Very well; look into it. A. I think it would be very difficult to get any facts bearing upon it.

Q. Well, have you ever tried to master that difficulty? A. It never presented itself to me in that way.

Q. Never thought of it? A. Not in that particular way.

Q. Well, now, don't you know that with all the want of care, and all the want of conveniences of life, that more children of, — and I say rich, in the sense of men who have pampered themselves, their appetites, more or less, and whose fathers have drunk too much Madeira and things of that sort — A. I don't understand the word rich to mean that, sir; perhaps that is the reason of the difference of opinion.

Q. I don't mean the mere fact a man has got some property, and I use it with this explanation. I will then put my question in that way: as a rule, aren't there more children, don't more children of laboring men and women, even with the lack of care which may come from poverty, live, than children of those who have lived in luxury and effeminacy, — brought up in luxury. A. I think that luxury and effeminacy would certainly be unfavorable conditions for children; but I don't understand rich means that, necessarily.

Q. I am not now on the meaning of the word rich; don't dodge my question. I have passed that; it is a matter of fact. I have passed on, and I have given a definition. I use the word rich as meaning those who are in a condition of luxury and effeminacy, — pampered, which the poor and laboring men are not, — that is all where I make the distinction. I don't mean invidiously against rich men, because the noblemen's sons of England very frequently go through a course of training which

has given them some remarkable constitutions. Now, you understand my question, and it is this: Take the two classes, — the men and women that have the means of luxury and every comfort of life, and take the class of laboring men, who sometimes must lose their children, because they cannot give them proper care, and, with that drawback on the laboring men, the largest per cent. of whose children survive, as the statistics show,— and as everybody knows, too? A. I should have said that a larger per cent. of the well-to-do classes did; I can't say positively about that.

Q. You think so? A. I should have said so.

Q. And they have the best constitutions, then? A. Not necessarily; but, then, they have very much better care.

Q. Better care; yes, sir. Well, then, if the largest proportion, a larger proportion, of the laboring men's children die, they die for want of care? A. Very largely.

Q. Very largely the want of care? Now, if they are taken very young, and taken to a good institution where they have the very best of care, what is the objection to their living? A. I don't think any institution is a favorable place for an infant, unless the institution is very small indeed, and the children are taken care of by wet-nurses, — if you have a small institution with fifteen or twenty babies; but if you attempt to take care of any very large number of babies in that way, I think you will always get a high rate of mortality.

Q. There was a very motherly-looking lady here, who said she had brought up a family wholly on the bottle, the other day? A. That is very frequently done.

Q. Then it is not necessarily fatal if a baby is brought up on a bottle, if there is the right thing in the bottle? A. That is very true; but it is not what they get to eat, altogether.

Q. Well, is there any objection to having nurses enough to take care of children well enough,—more than fifteen in a place? A. I think it would be difficult to get as many wet nurses; but it is not impossible.

Q. We have passed wet nurses and got the bottle? A. Yes.

Q. Very well; I am not asking for wet nurses; I am asking for the other kind. How would that be? A. I should think it ought to be possible.

Q. By bottle? A. It is a mere matter of money; that is all.

Q. Mere matter of money? A. Yes, sir.

Q. That is, to pay for it. Well, I suppose neither you nor I would grudge any amount of money which would save life in that way, would we? A. I think, certainly, there ought to be proper expenditure for a thing of that sort.

Q. Now, doctor, let us come to the character of nurses a little. You say that it is difficult to get women nurses, — it is difficult for women nurses to nurse the insane without attendants? A. I said, — excuse me, that it is difficult to get them to stay a long time.

Q. Yes; difficult to get them, probably. You don't quite get my question. You said there must be a proportion, or there must be some males, because women can't take care of violent patients. A. I beg your pardon, sir; I didn't mean to say that.

Q. A good many of them. A. I think you misunderstood me, sir.

Q. But you said, in answer to Mr. Brown's question, you said that two or three women might be hurt. A. Yes, sir. I said it would be difficult to say what I should do; I should try to avoid the female patients, — the female attendants, — being injured as much as possible. I think if I was in an insane asylum, where I had to employ male attendants in female wards for want of sufficient female attendants, I should give somebody my chance, and come off.

Q. Precisely; so I think you would, sir. I understand the sisters of charity frequently take charge of insane hospitals, don't they? A. There are four or five in this country, I believe, managed by them entirely; almost entirely.

Q. They don't have any difficulty in getting along? A. In the female wards?

Q. Yes. A. They employ male attendants in the male wards.

Q. No doubt: certainly. A male nurse in a male ward would be about as proper as a female nurse in a female ward; I understand that. Now, as these people up there at Tewksbury were mainly communicants of that church, do you see any difficulty about having employed the services of the sisters of charity up there in taking care of these poor people? A. I have suggested that myself, sir, I think, several times; perhaps not with reference to that institution.

Q. But other like institutions? A. Yes, sir.

Q. You see no objection; you think it would be a good thing? A. I see no objection.

Q. They have everything neat and clean, and we don't hear any complaint of attendants? A. I have visited one institution under their care, and I certainly have nothing but praise for them.

Q. Now, to whom did you suggest this, that this class of nurses, who devote their lives to this and nothing else without pay, — to whom did you suggest their employment? A. I have never made any official suggestion. I have talked with superintendents with regard to it, and, if I remember correctly, I have suggested it at meetings of gentlemen interested in this subject, physicians. I never made any official recommendation or suggestion.

Q. Do you know anything how economically these institutions are run by these sisters? A. I only know that they do most of their work very economically.

Q. And faithfully and properly and without complaint. Now, do you know any reason why we can't have just such a hospital and almshouse up there, if we got the right men and changed them once in twenty-five years if they didn't do right, — do you know why we can't have just as good an almshouse as the sisters of charity give to their poor that come to them? A. There is nothing that I can see in the way of it.

Q. Nothing that you can see. Well, now, can't you see something, upon the whole? A. In the way of it?

Q. Yes. Aren't the boards and the people outside the trouble why we can't? A. I really don't know, sir; I have never discussed it, if I recollect.

Q. What? A. I have never discussed it with members of the board.

Q. Aren't the boards,—aren't the system of boards and the divided responsibility, and what is generally known as red tape, the reason? A. It never occurred to me that that was the reason; I should not see why that would be it.

Q. But, whether that is the reason or not, that is what has happened under this system for years and years? A. Well, I don't know that the system has ever been introduced, and that's the reason that, in suggesting it, I did it with some caution.

Q. Oh, certainly; I see. I am now upon the system we are now using; we have,—whether it is on account of that I won't say,—and this has been the result. Now, doctor, let us go a

little to the cleanness of the clothing as you remember it. Are you now speaking of the time when you made your last visit as a member of the Board of Health, Lunacy and Charity? A. If I remember correctly, sir, I said I remembered particularly one of my official visits; that is, when I was health officer of that board.

Q. Did you go alone? A. I have been to the institution —

Q. I am now on this special visit; I don't care for anything else. A. I was going to say I have been at times and at other times I have not. I don't remember whether I went alone the first time I went there or whether I went with some officer of the board. I was very apt to go to the public institutions with Mr. Wrightington, and we were very apt to compare our notes when we came away from the institutions.

Q. Now, I am at this last visit,—keep your mind to that,—when you found everything so clean, and everything about it, certain improvements,—did you go alone? A. I cannot say positively whether I did or not.

Q. Now, the patients were very clean, weren't they? A. I should have said I went with Mr. Wrightington, but I would not be sure about it.

Q. And whether he notified them you were coming or not, you don't know. A. I know it was not his custom to do it.

Q. How do you know that? A. Because,—from my familiarity with him as an officer of the board.

Q. How do you know it was not his custom to write up to "get us a dinner"? A. It certainly was not when I went with him. I know we went to Bridgewater without anything of that sort, because we had to wait a long time for our dinner.

Q. We won't say anything about Bridgewater, because we have heard they had a system of telegraph about it. Didn't Mr. Wrightington have a regular day to go there to take the histories of patients and inmates, and didn't you go with him on one of those regular visits? A. No, I don't think I did.

Q. Very well; did you find them very clean? A. I don't say I found them very clean; I found them as clean as you would ordinarily expect.

Q. I thought they were a little extra. A. I don't say that particularly.

Q. They were not extra clean? A. I don't say that; I found them clean for an institution of that sort.

Q. They were dressed up as if for Sunday? A. No, sir; not at all. They were in their regular day clothes.

Q. What? A. They were in their regular day clothes.

Q. How do you know that? A. Because I was told so.

Q. You were told so. A. No reason to doubt it.

Q. You were told that that was the way they always were, were you? A. There was every indication that that was the ordinary, every-day dress.

Q. Let us see what the indications were. They were very clean and the beds were all clean? A. They were all in a fair condition; very clean, I should say.

Q. By a fair condition do you mean that they were all clean so as to have no remains of human excrement or anything of that kind? A. I saw nothing of that kind.

Q. You saw nothing of that kind? A. No, sir.

Q. You turned down the beds at will? A. Quite a number of them.

Q. And they were all clean as far as you saw? A. Yes, sir.

Q. Well, now, doctor, the patients in the hospital, they would be all clean if they had been lately changed? A. I think if the attendants had done their work for the day in the morning it certainly ought to be the case and I should expect it to be so.

Q. Every day? A. Yes, sir.

Q. Well, what work was done? What time in the day did you get there? A. I should say between ten and eleven o'clock.

Q. What time did you come away? A. That I cannot recollect.

Q. You came away so as to leave there before dark? A. Certainly; before late in the evening.

Q. And you had dinner of course. Nobody goes without that? A. We had lunch. We were pretty busy. Yes, we dined there.

Q. Now, then, you turned back those clothes and they were all clean, the clothes of all the patients were clean and there was nothing to show that any one had vomited upon their clothes, or anything of that sort? A. Not at all. I think that in the hospital one or two patients had been vomiting or were vomiting about the time I was there, but they were immediately attended to.

Q. And everything was clean except they were taken with a

fit of vomiting? A. Yes, I think so. By saying clean I do not mean that everything was as nice as I should have had it myself.

Q. But it was very clean. Now, was there any cleanliness that you saw that could not have been done in two hours from almost any state of dirt? A. No, I don't think it would have been possible.

Q. What was there that was impossible to be done in that time? A. I don't think it would be possible to put that almshouse in two hours in the condition I saw it if it had been in bad condition two hours previously.

Q. If it had been in bad condition — if it was as bad previously as you had seen it before? A. No: I say if it had been in bad condition two hours previous to my visit.

Q. What did you see that could not have been done in two hours? The beds could have been changed; the clothes could have been changed — A. The floor could not have been washed and dried.

Q. Are you sure about that? A. I think if a person is accustomed to making examination he will, by looking at the floors and corners, get a good idea of how the house is kept.

Q. But not unless you are used to it? A. If you will look into the closets, and look all around, you can be pretty sure.

Q. Did you visit the closets? A. Certainly I did.

Q. You didn't tell us that before. A. I told you what I could remember. I said I made a general inspection of the whole.

Q. I know you said you made a general inspection, that this was the every-day condition? A. Of course I could not say.

Q. Tell me which one of the patients you asked about what was done there. A. By name?

Q. Yes, sir. A. I cannot remember the name of a single person I saw there.

Q. Will you tell, now, from memory, what was said to you? A. I cannot say. I made inquiries of some of them with regard to their affairs, and I think some of them asked me something in regard to their personal affairs, — going out, and so forth; they usually did. I don't remember any particular conversation.

Q. Who went around with you to show you about? A. Dr. Lathrop, certainly through a part of the institution.

Q. That which he had charge of, of course? A. I think

one of the assistant physicians in another part; but I cannot remember the name now. And I don't remember who went through the main building.

Q. Well, some one of the officers of the institution showed you about, didn't they? A. I think it probable. I won't be quite sure. I should say probably.

Q. Now, then, some one of them was with you all the time? A. As I was going about?

Q. Yes. A. I should say there was probably some one in the same room.

Q. Did you make any announcement in either branch, in either department: "I am here, secretary of the Board of Health, to supervise this matter; if anybody has got any complaint to make, I wish they would make it now, and if they don't want to make it before the officer, I will send him out?" A. There was no reason why I should.

Q. I didn't ask you if there was any reason why you should? A. No, sir, I did not.

Q. You and I might differ from each other. A. I don't think I did.

Q. I have known institutions where that is done. I am only asking if you did that? A. No, sir.

Q. What? A. No, sir.

Q. Did not? A. No, sir.

Q. Did you say to any one of them, who you were—whether you were not a distinguished physician from abroad? A. I do not think I did.

Q. Was there any reason then, why they should make any complaint to you, any more then they would to any other stranger? A. I think they understood who I was.

Q. What makes you think they understood, if you didn't say a word? A. My impression is—

Q. Leave out your impression; I want your memory? A. I cannot say positively.

Q. Very well; if you cannot— A My examinations, of course, were only with reference to the sanitary condition of the buildings. The personal affairs of the patients, and their complaints, naturally, would not come before me.

Q. Let me understand; your examination was only as to the sanitary condition of the buildings? A. And the patients.

Q. And the patients? A. The bedding, etc.

Q. The sanitary condition, which would involve those things

which you were making inquiry about. As to the administration you had nothing to do with it? A. No, sir; I had nothing to do with the administration.

Q. Did you ask any of them if they had been cruelly treated? A. No, sir; I don't think I did.

Q. Or jumped upon? A. I certainly did not ask that question.

Q. Or lashed with cords till they were black and blue? A. I certainly did not ask any such question as that.

Q. Now, sir, you say there is very little mechanical restraint there? A. In the insane department?

Q. Of course, there ought not to be any? A. Opinions differ about that.

Q. Now, I want to put this question to you: should ever any thing be done to an insane person, as a punishment? Is it not outrageous? You may restrain him, and hold him, but should you pound him until he gets over his delusion? A. Attendants are always discharged, in my experience, if they do anything of the sort.

Q. Attendants in your experience, who undertake to administer punishment in that way are got rid of forthwith. I suppose so. And then the law by which we send a man to such an institution, is that he is not subject to punishment, and therefore we don't shut him up in a jail or house of correction. But should ever an insane person be restrained from doing, or made to do anything, from the fear of physical punishment? A. No, sir; I think not.

Q. Never? And all attendants and overseers, everybody having to do with the insane, that permits that should, in your judgment, be instantly discharged? A. Yes, sir; I would not keep an attendant that did anything of the sort.

Q. You would not keep a superintendent that permitted any such thing to be done? A. I should not have it done in an institution of which I had control.

Q. Now, I will ask you, at some time there was a separation of the insane, the pauper insane in the various asylums, and a certain portion of them were sent to Tewksbury. When was that done, do you remember? A. I do not.

Q. You knew it was done, didn't you, — that they sent to Tewksbury the pauper insane from the various asylums? A. I know they have been sent for a great many years. I have not any idea when it was done.

Q. The class they send to Tewksbury are the harmless insane? A. Not entirely, sir. They are supposed to be incurable.

Q. They are in the first place incurable? A. They are supposed to be; of course there may be mistakes made.

Q. As a rule they are supposed to be incurable, and as a rule that class get to be harmless. A. Well, a good many of them are pretty dangerous people. It is not at all uncommon for them to be quiet and harmless six months and then be very dangerous.

Q. I understand they break out, but the large majority of these chronic insane are harmless, are they not? A. I don't know that I should use the term harmless in regard to any of them, because I think the large majority would have the capacity of doing harm, but I should say, that probably they are the least violent of the insane — the least violent of the chronic insane.

Q. The least violent of the chronic insane: they settle down into a sort of despondent hopelessness, and go on from day to day almost like vegetation? A. A great many of them. It depends somewhat on the character of the disease.

Q. Very well, then, in an institution where chronic insane are sent you wouldn't expect to find a great deal of mechanical restraint? A. I should expect it would depend altogether upon the views of the physician in charge. Some physicians believe in using a little, some believe in using none, and some believe in using a great deal.

Q. Well, should ever a person be restrained except in case of sudden outbreak without the advice of the physician, without direction as to what should be done? A. As a rule not, but there are emergencies.

Q. But I put in the emergencies. If a sane man jumps at your throat you would stop him at once without asking anybody for advice; that is the rule for sane and insane. But to tie a man up or to fasten him down or anything of that sort and keep him for hours, that never should be done until the physician is consulted or sent for. A. I think that in a hospital where that is used at all it should never be used without the authority of the medical man in charge, or in an emergency where it was used it should be reported immediately or only used until it can be reported. In some cases it might be considered impracticable to first report it, as in a case of violent alcoholic insanity or something of that sort.

Q. Now, doctor, will you tell me of a single vote so that I can find it, or a single discussion, or a single regulation in that Board of Health, Lunacy and Charity in regard to the conduct of Tewksbury while you were on the board? A. The affairs of Tewksbury were frequently discussed in meetings of the board, and as members of the board went about the institution they made personal suggestions and criticisms. Whether there has been any actual vote of the board or not, I cannot say.

Gov. Butler. How much information you give me that I don't want. Give me a little that I do want.

The Witness. It is not always easy to answer your question.

Gov. Butler. I have patience, sometimes, and sometimes I lose my patience. I have asked about this two or three times. I have asked you if there was any vote of theirs, because I think the board act by their votes and resolutions — is there any vote passed — because I do not want to look through all their books if there isn't any — do you remember any vote passed or resolution adopted governing the administration at Tewksbury.

Mr. Brown. That is a different question. You put in the word discussion in the first question.

The Witness. I cannot say whether there is or not; I don't recollect any at present.

Q. (By Gov. Butler.) Now, you spoke about discussion. So far as you know those discussions never resulted in anything being done? A. I think they did, sir, as far as instructions to the executive officers were concerned, and giving the board some views with regard to their suggestions.

Q. What executive officers are in Tewksbury? A. The executive officer of the board, sir, the inspector of charities.

Q. Well, I am now asking in regard to the administration of things in Tewksbury? A. Nothing, except the informal acts of the board and the officers going there, so far as I recollect.

Q. Nothing, so far as Tewksbury was concerned. Your executive officer sent them there and the in-door man found them to be sent there? A. Mr. Sanborn?

Q. No, Wrightington and Wheelwright. Sanborn inspected what they did. So that was the condition of things while you were there. Now, doctor, one other question, and one or two branches of it. You believed the board had settled down without a field for usefulness, so far as you are concerned, didn't

you, and therefore you left it? A. No, sir, I should not say that exactly. I think there was a very great field for usefulness.

Q. Then why didn't you stay and do it? A. Because I thought the duties were so multifarious that it was unsatisfactory to take up part and know nothing about the other, and it was also unsatisfactory to attend to them all.

Q. Then, if I understand you, the duties put upon you were so multifarious that you could not do them all and as only a part was given to each to do, still they remained responsible for all, and it was not a good place to be in. A. I beg pardon, sir. I don't think you have got it quite right. The board was divided into three committees; but, as a member of the board, I didn't feel that I was authorized to vote on any subject before any one of these three committees unless I knew something about it. And I found if I attempted to know about them all I could not do it, and if I attempted to know about only one, and know that thoroughly, I didn't know what I was voting upon when I was voting upon the other.

Q. Well, I think I get it exactly. You were called to be responsible by your votes for all the doings of the board. You could not know any more than your own duties on your own committee: therefore, if you voted upon the others, you voted upon something you could not know about, and would be held responsible for it. A. That was my view of it.

Q. You will remember my remarks to the public upon that early this year. And those duties are being added to, year by year, by legislation? A. I cannot say for the last two years. I have not kept any account of what they have been doing, but I should say it would be the natural result.

Q. And there are some bills pending to give them more power. Now, doctor, I want to ask you this question: Don't you believe that under one responsible, permanent, supervising head these institutions, with proper machinery, could be better carried on? A. I don't know that I understand your question, sir, exactly.

Q. Well, we will take, now, the State prison and the reformatory prison for women. Those are all the State prisons there are. There is one division. Then we will take the State charities and the workhouse; there is another division. Now, then, take one responsible man, and hold him responsible, don't you think those institutions, under proper arrangements which

he would make, or which might be made for him, with proper machinery for that administration, — don't you think it would be better? A. If I get your idea, I should think not.

Q. Why not? A. It seems to me that all these institutions have questions coming up every day which can be settled only by the person having the responsibility being on the spot; and, I think, to have that, there should be very thorough and careful supervision and control on the part of the State through men who are fitted for the work, and know how to do it.

Q. Of course, he would have all this, and he would have that supervision on the spot. A. He could be at only one at a time. If you ask my view about it, my view would be that the superintendent, the responsible man of an institution of that sort, should be on hand all the time.

Q. Well, there must be a responsible man at the institution, as superintendent — A. All the time.

Q. I agree to that. Now, then, which do you think is better: to have a board that meets once a month, — and, therefore, cannot be on hand at all, — or a proper, accomplished supervisor, who should be on hand all the time to take care and see that no wrong is done in the way of administration; would not that be a better plan than the other? A. I doubt it very much, indeed. I doubt very much, indeed, whether one man would do the work so well, acting entirely on his own suggestion and responsibility, as he would if he were a member of a board, or a portion of a board.

Q. That is, something to advise with. A. Yes, sir.

Q. Now, as a rule, sir, your board met once a month at the State House, didn't it? A. I should have said that the old State Board of Health met more than twelve times a year.

Gov. Butler. Now, you are telling me about the old board again.

The Witness. Well, sir, I should have said the Board of Health, Lunacy and Charity had held many more meetings than that.

Q. Their regulations provide for meetings once a month? A. But they were constantly holding meetings between those regular meetings.

Q. When something called them; but regularly they would meet only once a month. A. Unless there was some emergency they would not come together.

Q. Very well. Now, they would come together at twelve

o'clock at the State House? A. I think eleven was the usual hour.

Q. And, as a rule, how soon would they go away? A. Well, it would depend upon circumstances. They have been there until five or six.

Q. Well, as a rule? A. I should say, during the time I was connected with the board, until three or four.

Mr. Chester. I would like to ask the governor if he will soon finish his cross-examination.

Gov. Butler. I am going to finish it in one more word — one or two more words certainly. I want to get through as soon as I can.

Q. Then, unless in case of emergency, that board consulted together; and the time they had to consult and approve bills was from four to five hours a day once a month — except when called together for an emergency? A. They sometimes went out for lunch; but I should say, as far as I recollect, that was about the time they were together when I was a member of the board.

Gov. Butler. And according to when they were going out to lunch they would adjourn, just as we are going to adjourn now. I am very much obliged to you, sir, for the information I have received.

Adjourned until Friday, May 18, at 9.30 A.M.

THIRTY-THIRD HEARING.

FRIDAY, May 18.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

TESTIMONY OF CHARLES H. WILLIAMS (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. Charles H. Williams.

Q. What is your business? A. Physician.

Q. Where do you reside? A. At No. 15 Arlington Street.

Q. Are you a graduate of the Harvard Medical School? A. Yes.

Q. How long ago? A. I graduated in 1874.

Q. When did you enter? A. In 1871.

Q. Did you know Dr. John Dixwell at the medical school? A. I saw him there occasionally.

Q. How frequently? A. Well, not very frequently, because he was there the year before me. He entered the year before me, so that his lectures and mine were different.

Q. Did you meet him in the dissecting-room? A. I think, probably; I cannot say distinctly about that.

Q. You were acquainted with him; that is to say, how intimately, if at all? A. I knew him well enough to bow to him on the street, and stop to say, "How do you do?" but not much more than that.

Q. Have you ever had conversation with him specially? A. No.

Q. Never conversed with him upon scientific subjects, or subjects connected with your studies? A. I think not.

Q. Do you know what his reputation for truth and veracity is? A. Well, I should say it was not good.

Q. During the time you were in the medical school, were you familiar with the interior room, adjoining the dissecting-room,

in which bodies were kept? A. I knew there was one there, and I think once, or, perhaps, twice. I looked in as a body was being brought out in the afternoon to be placed on the table. I never went into the room, but I think I looked into it.

Q. Did you ever see the bodies of infants there, or the body of an infant? A. No; I never did.

Q. Did you see the body of an infant anywhere in connection with the medical school; if so, where? A. I never saw one in the dissecting-room. The only place I remember seeing one was in the museum.

Q. In the museum? A. Yes.

Q. That was preserved in alcohol? A. I think so.

Cross-examination by Gov. Butler.

Q. Dr. Jackson was the lecturer on pathology? A. Yes, sir.

Q. Didn't he use one to lecture from? A. He may have, but I don't remember seeing one.

Q. He may have done so, but you don't remember it? You were never in this little room? A. No, sir; it was ordinarily kept locked.

Q. And all you know about it is that you have seen bodies brought out of there? A. Yes, sir.

Q. Now, about Dr. Dixwell. You knew him as a man in the medical school a year before you, and had simply a bowing acquaintance? A. Yes, sir.

Q. That is all. When did you bow to him last? A. The last time I saw him.

Q. What? A. The last time I saw him; I cannot say.

Q. You don't say so! Are you sure of that? A. It may have been a month or six weeks ago.

Q. It may have been a month or six weeks ago? A. Whenever I happened to meet him.

Q. Now, how far do you live from him? A. I should think about —

Q. Or do you know where he lives? A. I think he lives in Pemberton Square.

Q. No; his office is there. A. Then I don't know where he lives.

Q. Now, doctor, I want your opinion upon a question. How many thousand men do you suppose there are in Boston that

know Dixwell more intimately than you do? Take a rough guess. A. I could not say as to that, I am sure.

Q. Give us your opinion. Ten thousand? A. No, sir.

Q. Five thousand? A. I should not suppose there were more than 1,000 who knew him better than I.

Q. Then you do not suppose he has among his patients — he has practised here some years — among all the people in Boston he has more than 1,000 that know him better than you. Do you know how they come to go down on to Arlington Street after you to swear down his character? A. Beg pardon.

Q. Do you know how they came to go down on to Arlington Street after you to swear down his character, of all the men in the world? A. No, sir; I was not told I was expected to do so.

Q. You have, haven't you? A. I have simply said what I thought was the case.

Q. You have, whether you were expected to or not. Now, who was the first man, that is alive, that you heard — no, I will put the question the other way — did you ever hear a man say that his reputation for truth and veracity was bad? A. The only person I have ever heard say that was here in this room.

Gov. Butler. Well, it was never heard out of this room. That is all, sir. You can step down.

Mr. Brown. I have six witnesses summoned here this morning, but they do not seem to be present. I do not know what the occasion of the delay is, but in the meantime, until they arrive, I will call Mr. Charles Marsh.

Testimony of Charles B. Marsh (*recalled*).

Direct examination by Mr. Brown.

Q. Mr. Marsh, have you that document prepared by Mr. Fairbanks showing the names of people that could not be found and accounted for the other day? A. I have.

Q. Will you produce it. [Document produced.]

Mr. Brown. I would like, Mr. Chairman, to have this paper put in and marked, because I think it will serve to show the accuracy with which this prosecution is conducted when we get after it.

Gov. Butler. Are you afraid of losing it?

The Chairman. Is this the paper that was read by the governor and testified to?

Mr. BROWN. It was read by Mr. Fairbanks and testified to by Mr. Fairbanks.

The CHAIRMAN. I will mark it "A."

Gov. BUTLER. I don't think I read it.

Mr. BROWN. It is the list of those not accounted for.

Q. (By Mr. BROWN.) [Referring to document marked "A."] Now, Mr. Marsh, No. 24,662, Margaret McDuffee, December 14, 1865; where is she? A. She is still at the institution, ward 18.

Gov. BUTLER. What is her number?

Mr. BROWN. No. 24,662. She is one of the persons that Mr. Fairbanks could not find.

Q. No. 37,264, Catharine Tobin, alias Tolan, September 29, 1871; $5.31 to her credit. A. Still at the institution, asylum No. 2.

Q. No. 42,422, Catharine Maguire, Nov. 24, 1873; where is she? A. Still at the institution, asylum No. 1. If I may be allowed to make an explanation here.

Mr. BROWN. Certainly, as you go along.

The WITNESS. This Maguire might have been spelled in the register McGuire. The name Mac is usually spelled Mc., and I think the difference in spelling may account for it.

Gov. BUTLER. I guess we will examine that by and by.

Q. No. 45,867, Mary Desmond, April 3, 1873. A. Still at the institution, asylum No. 2.

Q. No. 55,201, Daniel Leary, July 19, 1878. A. He has absconded from the institution and has not been reported.

Q. Why not? A. It hadn't been reported to me and I had no way of finding out. I find by the names on the register that he had not been checked off from the register.

Q. (By Gov. BUTLER.) When did he run away? A. I don't know, sir.

Q. (By Mr. BROWN.) Can you ascertain?

Gov. BUTLER. Here is a fellow who went away, and you don't know where he is.

The WITNESS. I don't know any way of finding out; I simply know he has run away.

Q. Now, before I go any further, I want to ask you this question. How do you make up the number of inmates from time to time, from which you take the daily average? A. I take a daily count of the inmates, and my return made to the State House is made from my register and discharge-book.

Q. So that the number of inmates in the institution is always taken from the daily count? A. No, sir. In making up my average, I take it from my books, and not from my account. That is, in making up my yearly average, I take it from my books.

Q. No. 56,473. John Donovan, November 9, 1878. A. Still at the institution, ward No. 10.

Mr. Brown. He is marked here November 9, 1878.

Gov. Butler. Is that the time when he went in or when he came out?

Mr. Brown. Mr. Fairbanks has over the top of these dates, "when admitted."

Gov. Butler. I don't know whether it was discharged or admitted.

Mr. Brown. It is my fault, but it escaped my eye until just as you spoke.

Q. (Mr. Brown.) No. 59,870, Catharine Finnegan, July 29, 1880. A. Still at the institution, ward No. 12.

Q. No. 61,833, Jeremiah Murphy, April 9, 1881. A. He was discharged from the institution May 20, 1881, but did not get reported, and was not on my discharge-book.

Q. Why did he not get reported? A. I suppose it was an oversight; I cannot explain it in any other way.

Q. Do you know whether he was at the institution at the time of his discharge, or whether he was away from the institution, and that you never received notice of his discharge? A. He was at the institution, and was discharged May 20, 1881, but by some oversight was not reported to me.

Q. No. 62,068, Ann Cassady, May 26, 1881. A. She was an insane woman, discharged to her friends Jan. 12, 1883. She was discharged from the hospital by the nurse, who neglected to report her to me.

Q. No. 63,620, Timothy O'Brien, Nov. 12, 1881. A. He is reported on my discharge-book, which is here at the State House, as missing, Jan. 4, 1883. Not having my discharge-book at the office I could not discharge him, and he stands on that discharge-book, which is now in the State House as missing, January 4, 1883.

Q. (By Gov. Butler.) When was that? A. Jan. 4, 1883.

Q. But your discharge-book didn't get to us last January? A. No, sir; but when a man is going out and coming back, I

don't discharge him immediately. We have quite a number who are going and coming all the time.

Q. (By Mr. BROWN.) Whether or not they are sent out temporarily? A. This man's name stands at the head of the page, right under the heading, and I think likely I omitted him.

Q. (By Gov. BUTLER.) The books didn't come here for three months after that? A. No, sir.

Mr. BROWN. I beg your pardon. Part of them came here in March, and the rest in the early part of April.

The WITNESS. The investigation began on the 29th of March, and my books came on the 30th of March.

Gov. BUTLER. I agree. And from the 1st of January until the 30th of March is pretty nearly three months.

The WITNESS. The reason he is not discharged is simply an oversight.

Q. (By Mr. BROWN.) No. 64,263, Mary Doe, alias Nora Heafy, February 17, 1882. A. She is still at the institution, asylum No. 1. I suppose, owing to the different way of spelling her name, she did not get on that list.

Q. No. 64,406, Rose Kellelia, March 10, 1882. A. Rose Killelea is the name. She was reported on my weekly report to Mr. Wrightington, discharged December 6, 1882, but not marked off on the register. She stands discharged from the institution, and goes into my weekly account as discharged. She does not enter into my count at all.

Q. No. 64,588, Catharine Walsh, April 15, 1882. A. It should be 64,585. I think that is a mistake.

Gov. BUTLER. Well, look and see, won't you.

The WITNESS. [Referring to the register.] It should be 64,588. She is reported discharged November 10, 1882.

Q. (By Gov. BUTLER.) Where is she now? A. Discharged from the institution November 10, 1882. My discharge-book will show.

Q. On the discharge-book? A. She is reported discharged at the State House.

Q. She is discharged on the register? A. It is not on the register, but you will find it on my discharge-book, as reported at the State House. She does not enter into my account at all.

Q. Where is your discharge-book? A. I suppose it is down stairs in the committee-room. There is quite a lot of them there — fifteen or twenty.

Q. What do you mean by a discharge-book? One of those little ones with a stub on it? A. No, sir. About this size [indicating] with a black cover. You will find fifteen or twenty of them.

Q. But not marked off of the register? A. But reported on my register. That does not make any difference in the count.

Q. Why not? A. Because it is reported on my record as discharged such a date. In my summary you find it counted.

Q. (By Mr. Brown.) No. 64,726, James Gordon; admitted May 10, 1882. A. Reported discharged May 17, 1882. These weekly reports are all on file in Mr. Wrightington's office.

Q. No. 64,751, James Miller; admitted May 15, 1882. A. Absconded from the institution, but not reported to me.

Q. (By Gov. Butler.) When did he abscond? A. I don't know, sir; I don't know of any way of finding out. He simply isn't there.

Q. When did he go in?

Mr. Brown. May 15, 1882.

Gov. Butler. And he may have absconded May 16, for aught we know.

The Witness. It is possible there may be some check on the day he went out, but I have nothing in my possession. Perhaps the man who kept the inmates' register may find out. There is another register, kept in addition to mine, in the inmates' baggage-room.

Q. (By Gov. Butler.) Where is that? A. That book is down in the committee-room. There are three of those books.

Q. (By Mr. Brown.) No. 64,851, Ellen Mahoney; admitted June 1, 1882. A. Reported discharged July 21, 1882, in my discharge-book. That will probably tell where she went.

Q. (By Gov. Butler.) But not in the register? A. She is on the register, but not marked off.

Q. (By Mr. Brown.) No. 64,960, James McCarthy; admitted June 15, 1882. A. Reported absconded April 17, 1883.

Mr. Brown. That is since the books came into the hands of the committee.

Q. (By Gov. Butler.) On what book? A. On the discharge-book, and also on my weekly report. That may be on the register, — standing on the register, and not marked off.

Q. (By Mr. BROWN.) You haven't had the register to mark it off? A. No, sir.

Q. No. 65,028, John Holland, admitted June 27, 1882. A. Removed by the overseers of the poor of Salem, August 25, 1882, but not reported by me at the time. I didn't know it at the time.

Q. (By Gov. BUTLER.) There is no record of his going out? A. Yes, sir; he is recorded on the inmates' register, but did not get onto mine. He is not on my discharge-book.

Q. Then he went into the count? A. Yes, sir; he has been there ever since.

Q. (By Mr. BROWN.) No. 65,048, Manuel F. Woods, admitted June 28, 1882. A. He was removed from the institution by his wife unbeknown to me. I didn't get any report of it.

Q. (By Gov. BUTLER.) What do you mean by removed? A. He was taken away by his wife a few days after he came there.

Q. Do you mean forced? A. No, sir; he was discharged regularly to his wife, but was not reported to me. He was not there long enough for Mr. Wrightington's clerk to get his history.

Q. He was there long enough to have been eating there ever since? A. Yes, sir.

Q. (By Mr. BROWN.) Let us see about that. He was not in the count? A. Yes, he was in the count.

Q. No. 65,069, Joseph Tattersley, admitted June 30, 1882. A. Absconded, and not reported.

Q. (By Gov. BUTLER.) You don't know when? A. I don't know whether he went since the books were sent down or not. He is not in the institution; absconded; never was discharged.

Q. I suppose you have kept some record since on a sheet of paper? A. I have.

Q. Since you sent the books down here? A. I have of all those admitted since the books came here, but he was on the register here at the State House.

Q. You must have missed him somewhere? A. I knew the count was not right, but I didn't know how to account for it, not having my books.

Q. (By Mr. BROWN.) No. 65,111, Albert Campbell, ad-

mitted July 8, 1882. A. Reported discharged, August 9, 1882.

(By Gov. Butler.) Can you say whether he remains on the register? A. He does not remain on the count.

Q. On the register? A. On the register, — on my discharge-book? He is. That takes him out of the count. You will find that whatever is on my discharge-book is on Mr. Wrightington's report. That I have verified since I made up this list.

Q. (By Mr. Brown.) No. 65,388, Daniel Stephenson, admitted August 14, 1882. A. Absconded and not reported.

Q. (By Gov. Butler.) When did he come in?

Mr. Brown. August 14, 1882.

Q. (By Gov. Butler.) He is still there, so far as any record you have got shows? A. Yes, sir.

Q. (By Mr. Brown.) No. 65,389, Michael Dwyer, admitted August 14, 1882. A. Still at the institution, in the men's short hospital.

Q. (By Gov. Butler.) How does he appear on the register? A. He appears as being at the institution, as he is.

Q. On the register? A. Yes, sir; the record is correct.

Q. What does he [Fairbanks] say? A. Not accounted for.

Q. (By Mr. Brown.) No. 65,558, Maria Doyle, admitted September 14, 1882. A. There is a family here, and perhaps you had better give their numbers all together.

Q. No. 65,558, Maria Doyle; No. 65,559, John Doyle; No. 65,560, William Doyle; all admitted September 14, 1882. Then one more, No. 65,655, Carrie Doyle, child of 65,558, September 30, 1882. A. Those were all reported discharged from the institution October 30, 1882.

Q. (By Gov. Butler.) Are they on the register yet? A. They are on the register and discharge-book, and on my weekly book.

Q. Are they discharged on the register? A. Not discharged on the register, but that makes no difference with my count.

Q. Overlooked a whole family? A. I didn't mark them off.

Q. (By Mr. Brown.) No. 65,618, Patrick Grady, admitted September 26, 1882. A. Reported absconded May 2, 1883.

Q. (By Gov. Butler.) Is he still there on the register? A. He is on the register, and on the discharge-book, and on the weekly report.

Q. (By Mr. Brown.) Have you had the register since May 2, 1883? A. No, sir.

Q. (By Gov. Butler.) He is not on your books? A. He is on my paper. I have opened a new discharge-book, to keep an account of these people who have gone out, and he is on that book.

Q. Is he on the list sent to me? A. No, sir; because that only went up to May 1st.

Q. Well, that is as far as we want. A. Well, his name is not on this list.

Mr. Brown. Mr. Fairbanks put him on here as a man not accounted for.

Gov. Butler. Not accounted for up to May 1st? I don't see how he could say that the man didn't run away May 2.

Mr. Brown. He was accounted for on the first of May; he was at the institution; he has absconded since. So that Mr. Fairbanks made a mistake in regard to him.

Gov. Butler. We will see where he made the mistake.

Mr. Brown. The majority of mistakes are against him.

Q. (By Mr. Brown.) No. 66,096, Ellen Dumford, admitted October 10, 1882? A. She is a woman who was never at the institution. It is simply a nominal admission by name. She was intended to be discharged the same day, but by some oversight she was not. She was sent directly to Bridgewater, and was entered here as a nominal admission. She should have been discharged the same day to Bridgewater.

Q. (By Gov. Butler.) She don't appear on any book? A. She is on my register, but not on my discharge-book.

Q. She don't appear to have got out on any books? A. No, sir.

Q. So, then, as far as averages go, she is still eating there? A. Yes, sir.

Q. (By Mr. Brown.) No. 66,192, John Rodgers, admitted October 26, 1882? A. Reported absconded May 1, 1883.

Q. No. 66,309, John Ecklund, admitted November 6, 1882? A. Reported absconded May 1, 1883.

Q. No. 66,364, Michael McMorrow, admitted November 16, 1882? A. He is standing "on liberty" on my book here at the State House, which I could not get to correct.

Q. (By Gov. Butler.) Why couldn't you get it? A. I could not take it home, and when I came down here to look it over —

Q. (By Mr. Brown.) Whether or not I have instructed you not to make any entries on the books while they are here; that you have no right? A. I have not done so.

Gov. Butler. I don't think you have; but I asked why you didn't examine? A. I did. As soon as this list was made, I came right down here, and I, by permission, have made an entry on my book, "notified of death."

Q. (By Gov. Butler.) By whose permission? A. By permission of Mr. Major, and, I think, by yours.

Gov. Butler. His permission was mine.

The Witness. Yes, sir; I thought so.

Q. (By Mr. Brown.) No. 66,376, George Burnham, admitted November 19, 1882? A. He is standing on liberty on the discharge-book here at the State House, April 3, 1883. These names were standing on liberty when these books were sent.

Q. No. 66,523, Alexander B. Smith, admitted December 5, 1882? A. Still at the institution,—ward 10.

Q. (By Gov. Butler.) And he appears, too, on the register? A. He is still on the register, and is in the institution.

Q. (By Mr. Brown.) No. 66,625, John Moriarty, admitted December 16, 1882? A. He was taken by his son, April 21, 1883. I am not positive whether he is on my discharge-book. I know the man went, because I saw him at the gate with his son; but whether he is on the discharge-book, I don't know.

Q. (By Gov. Butler.) He is on the register? A. He stands on the register.

Q. And you saw him go? A. I saw him go.

Q. (By Mr. Brown.) But you have had no chance, and would not have made any entry on the register by instructions? A. No, sir; I would not.

Q. (By Gov. Butler.) Is he on your list? A. I don't remember whether the man is reported discharged by me on my discharge-book or not. I can tell by looking at my book.

Q. (By Mr. Brown.) No. 66,637, John Gray, admitted December 18, 1882? A. Absconded, and not reported.

Q. Do you know when he absconded? A. No, sir.

Q. (By Gov. Butler.) And he still stands on the register

to be counted, I suppose? A. Yes, sir; I think all these who have been absconded and not reported went after the first of May.

Q. Why do you think so? A. Because they had been reported to me regularly all who absconded from the institution; but the man who kept this account didn't have his books and didn't know just what to do until I told him how to keep the book. That may account for their not being reported.

Q. (By Mr. Brown.) No. 66,642, Mary Cummings, alias Davis, admitted December 18, 1882. A. I have not been able to ascertain whether she absconded or was discharged. I have no record.

Q. When did you last see her at the institution? A. I don't remember the woman at all, and I have not had time to identify her.

Q. No. 66,663, Mary Winzey, admitted December 21, 1882. A. Still at the institution.

Q. (By Gov. Butler.) How on the register? A. Stands as being an inmate of the house, as she is.

Q. (By Mr. Brown.) No. 66,887, Louis Oldfield, Jan. 8, 1883. A. That was an infant at the institution when I made my list, but has died since; died yesterday, I think, or the day before,—I think yesterday.

Gov. Butler. I don't see as there is any particular value in this part of it. We stop our list at May 1.

Mr. Brown. I know; but on the first day of May, you say, this child was an infant unaccounted for. Now, I show it was in the institution on the first day of May.

Gov. Butler. I don't think we said that; we said that on the register, on the first day of May, and on the list that Mr. Brown swears he never could understand, which was furnished by Charles Marsh, of the people remaining there,— that that list nor the register did not account for them.

The Witness. I didn't furnish the list to you, sir. I only furnished the list of those who came in after that.

Gov. Butler. I asked for a list of all on the record — to have the register made up as it would have been if it had remained at the institution.

The Witness. That list I never saw; except the one I furnished you.

Gov. Butler. I am talking about the list that you furnished. We took that list as a statement of who had been taken in

while the books were away, and up to the first day of May, and stopped there; and from this list there has been no departure, so far as I can see. We will have it determined by and by. But now they are going on to show concerning since the first day of May. I suppose they discharged and absconded everybody.

Mr. Brown. First, here is the written declaration of the paper, which I have been careful to have this committee mark; and I will read it: "Names of persons registered as inmates, of whose death or discharge there is no record in the registers, and who are not reported as present May 1st, 1883; that is, they are missing and there is no account showing what has become of them." Now, this child was there on the first day of May, 1883, and Mr. Fairbanks says in writing, in his own handwriting, that on the first day of May, 1883, there is no account of him and that he is not in the institution.

Gov. Butler. No; he don't.

The Chairman. It all goes into the record.

Gov. Butler. He don't say that at all. All he says is that your people haven't accounted for him.

The Witness. I am accounting for him here.

Mr. Brown. I don't think we were obliged to except by courtesy. If I remember rightly, we are not responsible for the institution.

Gov. Butler. Well, then, take care he don't draw his salary.

Mr. Brown. I don't know whom you refer to.

Gov. Butler. Why, somebody; the man that was not responsible for the institution; he is the man.

Mr. Brown. I don't think there is any danger of anybody getting any salary at present, whether they are responsible or otherwise. I don't see any chance for a man to get his just dues.

Gov. Butler. That is the fault of these gentlemen. [The committee.]

Q. (By Mr. Brown.) No. 67,002, Timothy Kelliher, admitted January 22, 1883. A. Absconded and reported, May 1, 1883.

Mr. Brown. Just look at the register. I want to see if Mr. Fairbanks is mistaken in his figures.

The Witness. He is not marked off on the register.

Gov. Butler. Tim was accounted for; he was down here.

Mr. Brown. What is that?

Gov. Butler. Timothy Kelliher was down here.

Mr. Brown. Who says he wasn't?

Gov. Butler. He was here in that chair. He was the fellow who carried the chickens to the trustees, don't you remember? He was accounted for bodily, but not on the record.

The Chairman. Absent with leave.

Gov. Butler. And absent without leave, both I guess. This is not a question of the bodily presence of these people, but it is a question of counting them. Mr. Fairbanks explained about Kelliher.

The Witness. The first I knew about Kelliher or his absence was seeing him on the witness-stand. He didn't have permission.

Gov. Butler. I said he was absent without leave.

Q. (By Mr. Brown.) Did he go back to the institution after he got through? A. Never has been there since.

Q. Was he there before he came here? A. He went away Saturday, as I learned since.

Gov. Butler. He so testified.

Q. So that he left since the books have been beyond your possession and control? A. Yes, sir.

Q. No. 67,048, Thomas Collins, admitted January 30, 1883. A. He is standing on liberty on my discharge-book at the State House, out of my possession.

Q. (By Gov. Butler.) What book do you mean? A. The discharge-book.

Q. But not on the register? A. He stands on the register and on the discharge-book, not as discharged, but as being on liberty.

Q. (By Mr. Brown.) No. 67,083, Patrick Noonan, admitted February 3, 1883. A. He is on liberty on my discharge-book here at the State House.

Q. No. 67,379, Charles Ellsworth, admitted March 28, 1883. A. Reported absconded May 12, 1883.

Q. But on the first day of May he was at the institution, was he? A. He was, sir.

Q. No. 67,174, Peter McGreavy, admitted February 20, 1883. A. He is still at the institution. I suppose the difference in spelling accounts for his not finding that name. I spelled it Mc and I think on the list it was written Ma.

Q. Let me see, is there any difference in the number? Is the number on the register 67,174? A. Yes, sir.

Q. Then he could not have mistaken the figures? A. I don't suppose he could.

Q. No. 67,189, Mary Leary; admitted February 21, 1883. A. Reported discharged May 1, 1883.

Q. (By Gov. BUTLER.) On the register? A. On the discharge-book.

Q. On what discharge-book? A. On the discharge-book which I opened at home. You will find it in Mr. Wrightington's report for the week.

Q. (By Mr. BROWN.) No. 67,289, Wilson Hutchinson; admitted March 10, 1883. A. On liberty on my discharge-book at the State House, May 1, 1883.

Q. No. 67,292, Kate Leary. A. Reported discharged May 1, 1883.

Q. No. 67,304, John J. Grover; admitted March 13, 1883. A. Still at the institution.

Q. No. 67,306, Henry McCafferty; admitted March 7, 1883. A. Absconded and not reported.

Q. He was admitted March 7, 1883. Do you know when he absconded? A. I do not, sir.

Q. No. 67,318, John Conboy; admitted March 14, 1883. A. That is a child of Mary Conboy, No. 67,317, and they are both at the institution.

Q. No. 67,337, Catharine Murphy; admitted March 20, 1883. A. I cannot find any account of her. She has probably absconded. I don't know, whether absconded or discharged; she has never been reported to me.

Q. No. 67,344, James Glynn; admitted March 21, 1883. A. Reported absconded May 2, 1883.

Q. But was in the institution on the first of May? A. Yes, sir.

Q. No. 67,350, William R. Welsh; admitted March 22, 1883. A. Still at the institution; men's short hospital.

Q. Were you present, Mr. Marsh, when a man who called himself by the name of Frank Haberlin testified here? A. I was, sir.

Q. That he was in the war in the One Hundred and Fifty-Sixth New York regiment? A. Yes, sir.

Q. Did you hear him say that before he ever would go back to that institution he would go down to the end of Long Wharf, weight himself down and drown himself? A. I did.

Q. Where is he now? A. He returned to Tewksbury night before last.

Gov. Butler. Yes.

Q. No question about the man?

Gov. Butler. Not the slightest. I told him to go back. We have got a new superintendent and they are all right.

Mr. Brown. You made a mistake there, because they have not got any. You are still depending on the Marsh family. [To Mr. Marsh.] Please turn to your register —

The Witness. There are quite a number of others that you haven't read.

Mr. Brown. Excuse me. William R. Welsh you just testified about. [Referring to another page.]

Q. No. 67,442, John Preston; admitted April 13, 1883. A. Reported absconded May 1, 1883.

Q. No. 67,679, Ella Squire; admitted April 19, 1883. A. Is that number right?

Mr. Brown. Just look at it. It may be a four or a six; it is made in a peculiar way.

The Witness. I have it 67,479. If that number is correct it is on the list I have had made, and she has come in since. But Ella Squire is still at the institution.

Q. (By Gov. Butler.) How is she on the register? A. I think she has come in since the register was brought down.

Q. (By Mr. Brown.) No. 67,530, John Wilson; admitted April 27, 1883. A. Still at the institution, ward 10.

Q. No. 67,532, Daniel Murphy; admitted April 30, 1883. A. Still at the institution.

Q. No. 67,540, Ellen Maher; admitted April 30, 1883. A. Still at the institution, in the hospital.

Q. No. 67,541, Mary McClusky; admitted April 30, 1883. A. Still at the institution, ward 18.

Q. Now I notice Mr. Fairbanks has a number, 66,098, William E. Smith, who he says the register says died November 21, 1882, and that on the list furnished he appears as discharged April 23, 1883. What have you got to say about that? A. The report that he died November 21, 1882, is correct. When another William Smith went out I had nothing to identify him by, and accidentally got down this other man's number.

Q. That is to say, the books were here? A. The books were here and I had nothing but the name to identify him by.

The man discharged April 23 should be No. 67,304. There was a mistake in the two names.

Q. Were both of them reported as William E. Smith? A. No; I think they were both reported as William. I had nothing to identify them by except the name.

Q. [Referring to a memorandum in hands of witness.] Now is that a summary of your examination of the statement made by Mr. Fairbanks? A. It is, sir.

Q. Won't you read it?

The Witness. [Reading.] "Number reported by Mr. Fairbanks as unaccounted for, 60; of these there were. — present still at the institution, 20; reported as discharged, 12; reported as absconded, 8; absconded and not reported, 7; discharged and not reported, 5; standing on liberty on book at the State House, 6: whereabouts unknown (probably absconded), 2.

Q. Now, Mr. Marsh, just give His Excellency the benefit of the worst feature of this case, and tell him how many of those people by any inadvertence of yours or anybody else, have been still fed at that institution so far as the report shows. A. Fourteen.

Q. And that is the sum total of all the substantial errors in this register for the last twenty-five years, is it? A. That is all.

Q. For twenty-five years? A. It will be twenty-five years in June. I identify all the inmates in the institution twice a year, spring and fall.

Mr. Brown. Now turn to the register of 1861.

Q. Mr. Marsh, were you present in the court room — here, in this committee room here — when Cornelius H. O'Brien testified? A. I was, sir.

Q. Do you know anything of his whereabouts? A. I was told the evening —

Q. Well, never mind what you were told; do you know anything personally? A. I don't know personally; no, sir.

Q. Has he been back to the institution? A. No, sir.

Mr. Brown. Mr. Chairman, I have a letter here, written by the late John A. Andrew, governor of this Commonwealth, to some of these inmates whose names appear upon the register of 1861, which I desire to read.

Gov. Butler. Well, I object.

The Chairman. For what purpose?

Mr. Brown. In the first place, it sets out the fact that he

had made personal inspection of this institution at the time. It sets out the fact that he had received a letter from a certain young —

Gov. Butler. You might just as well read it as tell all there is in it. That is a trick that won't go down, you know, here.

Mr. Brown. But I am always courteous, and reply to the chairman, sir.

Gov. Butler. But reply to "for what purpose."

Mr. Brown. And I don't want to be stigmatized as playing a trick when I am answering the question.

Gov. Butler When he asked you to state your purpose, you have been going on to state what was in the letter.

The Chairman. The purpose of offering the letter.

Mr. Brown. The purpose of introducing the letter is to show what there is in it, and —

Gov. Butler. That is not a courteous reply.

Mr. Brown. And for the purpose of showing that His Excellency did, upon his statement here in writing, precisely what he says he did in the letter,— that is, if he is to be believed. It is the common thing which my friend, His Excellency, has done so many times,— put in letters, first with regard to Dr. Tucker, that somebody knew he was an eminent physician, and in regard to Eva Bowen that she was a sweet miss, and all that sort of thing; and it has been done so many times that I did not think His Excellency would object; and, perhaps, he would not, if it was written by somebody else.

Gov. Butler. When you get through with your offer, I will say a word.

The Chairman. We have had the hearsay evidence of dead men, and I don't know why letters may not be as clearly admissible; but, still, I didn't believe in that, and I don't believe in this, so far —

Mr. Brown. But the difference is, that here is the evidence of a dead man who dictated it or wrote it himself.

The Chairman. Do you offer this letter for the purpose of showing that Gov. Andrew at that time had a good opinion of the institution?

Mr. Brown. Had a good opinion of the institution upon personal examination.

Gov. Butler. When he has finished I would like to say a word, if the committtee will just hold their minds clear and open and impartial up to that time.

The CHAIRMAN. We will hold them as clear as we can, Governor.

Mr. BROWN. Well, as I have the close I am perfectly willing His Excellency should speak.

Gov. BUTLER. Pardon me: I guess not. You don't have the close both times.

The CHAIRMAN. He offers the letter and you can—

Mr. BROWN. The rule which you invoked.

Gov. BUTLER. I know what the rule is I invoked. I have the close on objection. May I have the letter?

Mr. BROWN. Certainly. [Handing it to the governor.]

Gov. BUTLER. Now, without knowing what the letter is, I propose to make my objection. In the first place it is said I have offered letters here as evidence bearing on the issue or the matter investigated. That simply is not the fact.

The CHAIRMAN. Offered letters of recommendation, or something of that kind.

Gov. BUTLER. Precisely so.

Mr. BROWN. Recommendation of Mr. and Mrs. Dudley; you recollect.

Gov. BUTLER. I recollect it perfectly, and it is not so. Now, then, I offered what is common and permitted everywhere. —I received a letter of recommendation from Mr. Marsh, or, I received a letter of recommendation from my present employer. That, when inquiry into a person's character is made, is frequently done, but not to bear on the issue, not to bear on the question of investigation. Now, if Gov. Andrew recommends any witness that has been here, I am content to have it in, and sha'n't object to it. But his statements of fact, what he found, made not to the party complainant, not to any party here, and made some twenty-two years ago, on this subject to somebody, is not evidence under any circumstances. And the reason why it is not evidence is that we have no earthly means of cross-examining, of getting at it. It is not as valuable as what a man testifies a man said, because then we can go into the circumstances and cross-examine the man testifying. We know nothing of the surrounding circumstances. To the very poor fling that I object to it because Gov. Andrew wrote it, I have but one reply to make, and that had better be for all. Gov. Andrew and I had differences of opinion on the war policy, and we are both pretty positive men, and we differed widely and stood by our opinions. Death closed that, so far as

I was concerned. His family understood it was closed, because the representative called on me, and I subscribed $500 towards his monument over his grave, and I haven't put that in the newspapers; but, now, to meet a fling made upon me, I think I have a right to say so. Therefore, I did not object on that account. Again, all I can say is, that there is no official copy of this letter, so far as I know, on the files of the State House, of the executive department, so that I don't know that it is an official letter, although it seems to be a press copy. But neither officials' letters, nor private letters, are permitted to be evidence of facts. But I will go further, now, and say that I think, if it won't be drawn into a precedent that other letters are to come of other people, knowing the directness and fairness of mind of this very eminent gentleman, I will withdraw my objection to this letter; and I have not seen a word of it, except just to see to whom it is directed, — it is a letter to some boys.

Q. Now, Mr. Marsh, look at the record of this institution in the year 1861.

Gov. Butler. Now, read the letter; let us have the letter read.

Mr. Brown. Very well; I will read the letter first, and then I will make the reference to the register, if you desire.

Gov. Butler. What?

Mr. Brown. I was just going to show the register number of these boys to whom the letter is addressed.

Gov. Butler. I have no doubt the letter shows they were there.

[Mr. Brown then read the following letter.]

Commonwealth of Massachusetts,
Executive Department,
Boston, Dec. 24, 1861.

To Masters John Plant, M. V. Enwright, John Barny, James Larkin, John Carrick, Thomas Butler, James Barry, Martin Butler, James Purcell, Henry Bolker, Miron B. McCalister; and to Misses Martha Dixon, Ann M. McEnally and Esther Quinlan, at the school of the State almshouse, Tewksbury, Mass.

Dear Children, — I have received and read with great pleasure your very kind letters to me, which were sent from your school-room by my friend, Mr Marsh. All of them were very neatly written, and assure me that you are making very good use of the advantages you have of attending school and being kindly taken care of.

I enjoyed my visit to your school very much, and so did the gentlemen of the executive council who accompanied me, and we came

away feeling very glad that we lived in a State where the laws provide that all the poor and the weak, the widows and orphans, the blind and the insane shall be cared for, and their deprivations and sufferings relieved in institutions built for them.

All these good things are a part of the blessings which we derive from the influence of the life and teachings of our Saviour, concerning whom you often read in your Testaments. He it was who first taught the world that God is no respecter of persons; that he loves poor children and rich children equally well, and that all the people who live in this great world are the objects of His compassion and fatherly care; and whom we ought to love in return, and whose commandments we should all obey with our whole minds, hearts and strength.

I hope you will continue to improve in your studies, and so to prepare yourselves for the duties you will have to perform when you go away from the school; remembering always, that as you are good, and kind, and honest, so will you be beloved and respected by all who know you, and become blessings to your friends and to the communities in which you may hereafter dwell

With the hope of seeing you all in good health and spirits when I visit your school again, and wishing you all a merry Christmas, I remain,

Your sincere friend,

(Signed) JOHN A. ANDREW.

Q. Will you look and see in the register, what the register numbers of those boys and girls are?

GOV. BUTLER. What is the necessity for taking the time for that?

MR. BROWN. Then, if there isn't any, I won't.

GOV. BUTLER. Not the slightest; I have no doubt they were there.

Q. I want you to tell me, Mr. Marsh, whether you were at the institution in 1861, in any capacity whatsoever, — whether you lived there. A. In 1861, I was away at school.

Q. Were you there occasionally, off and on, Sundays, or anything of that kind? A. I used to go home vacations.

Q. Now, did you have personal knowledge that there was a school there at the institution for those children? A. I did.

GOV. BUTLER. That is a matter of law.

MR. BROWN. Then, I suppose there is no question but that it was kept.

Q. And that was a matter that your father had the superintendency and direction of? A. I think that was broken up in 1866.

Q. Now, it says, — the governor speaks of his "friend, Mr. Marsh;" — was there any other Mr. Marsh there at the institution, in any official capacity, except your father? A. I don't remember whether my brother was there or not at that time.

Gov. Butler. I have no doubt he meant Mr. Thomas Marsh.

Mr. Brown. I put on this witness simply for the purpose of filling a gap till the others arrived.

Gov. Butler. I want to say a word.

Mr. Brown. I was going to say that, without going any further in direct examination, I will subject him to cross-examination.

Cross-examination by Gov. Butler.

Q. Where did you get that letter, sir? A. What letter?

Q. That has just been read. A. I have not had it.

Q. When did you first see it? A. I saw it since this investigation, I think, the first time; I may have seen it, but I don't remember it.

Q. Who had it then? A. I don't think, come to think, that I ever saw the letter before I saw it here; I have heard the letter spoken about.

Q. Don't you know it was in your father's possession? A. I know he had it, because I heard him inquiring about it; he found it, and gave it to Mr. Brown.

Q. He had the letter? A. Yes, sir.

Q. Are there any of the children in this institution now to whom that letter was addressed? A. I think not, sir.

Q. There is no doubt about it; it was a good while ago. A. Yes, sir; I don't think there are any of them there.

Q. Well, at that time there was a school carried on in Tewksbury under the direction of the superintendent and under a school-teacher, I believe? A. Yes, sir.

Q. It appears in the report. A. Two or three.

Q. Two or three school-teachers; and there were a good many of those children, were there not? A. About two hundred, I think.

Q. About two hundred of the children. A. In round numbers.

Q. And afterwards the school was so good in Tewksbury that they concluded to remove it to Monson, didn't they? A. No, sir; it was a change of the system.

Q. What? A. Change of system.

Q. Change of system. I see; they removed it to Monson and there has been no teaching of children there since. A. No, sir; no school.

Q. And here is a kind of complimentary letter, kind of advisory letter of Governor Andrew's, addressed to these children, and, I suppose, it belonged to the people to whom it was addressed. A. I don't know to whom it was addressed on the envelope; I don't know how it came.

Q. It is addressed on the inside, we know, now; and it belonged to the people to whom it was addressed and to whom the advice was given, and your father kept it from them? A. I don't know; I never saw it before.

Q. He had it, at any rate,—produced it, — and the children have all gone away. Now, then, let us come to another matter. This isn't of any earthly consequence, except it is one of those things I will deal with by and by. Now, you kept a register, and you kept the people on it, the names of the people who were admitted, and when they were discharged or absconded or died, didn't you? A. I did.

Q. With some exceptions. A. I did.

Q. And you ought to have kept all in it; that is the intention of the register? A. That was my work.

Q. Yes, sir; that was your work to do. Now, then, after the registers came here you opened some new,—or had some memoranda of what was done there afterwards, I suppose? A. I opened a new register.

Q. A new register; very well. Now, then, you were asked to give the exact results, the exact results of admissions and discharges and abscondings from that register, the new register, wa'n't you, and bring it here? A. Yes, sir; I was asked to give the number that had come in and the number who had gone out.

Q. And who they were? A. Yes, sir.

Q. That would make the register substantially complete? A. Yes, sir.

Q. Up to the first of May? A. Yes, sir.

Q. And you did do that? A. I did.

Q. And you so told Mr. Fairbanks that you did? A. I gave Mr. Fairbanks a list which he asked for; I don't know I had any talk with him.

Q. He spoke to you and you spoke to him that this was

complete? A. He asked me if he could have that list and I told him yes, if he would see you had it.

Q. Very well; and that list would complete the register, as if the register was written up? A. Yes, sir; up to that date.

Q. Now, then, will you see, — and that date was the thirtieth day of April? A. Up to the first of May; yes, sir.

Q. First of May. Now, sir, will you tell me each, taking that list and your register and Mr. Fairbanks' statement from it, each wrong statement there is in Mr. Fairbanks' account; not what has been done with them since, but, taking your list which ends out the register and the register, point to me every mistake of Mr. Fairbanks', according to that list, according to that record. A. I don't think there is any mistake of Mr. Fairbanks' except where there is a difference in spelling.

Q. And that is in one case. A. No, sir; I think there are several cases.

Q. Well, show me the several cases. Where is that list that you gave me, that you gave him — that? [Referring to paper.] A. Yes, sir.

Q. Now, what one is a mistake? A. Well, I think I never saw the list that was furnished you by the Board of Charities; I don't know how that was made up.

Q. I don't think I know, but I thought you knew. I have the list by the Board of Charities, — I never had any particular confidence in it. I take it so many persons were found present on the first of May by count. A. I think in this list, where there are any mistakes, they are mistakes of spelling. For instance, the name of Catherine Maguire; I think that may have been spelled McGuire.

Q. Is it on this? A. Yes, sir; I have spelled it Maguire.

Q. What is the number? A. 42,422. That is the way it stands on my register and on the list furnished him.

Q. Is this the list furnished me? [Referring to a paper.] A. This is a copy of my register.

Q. Is this the list furnished me? A. That is the only list I have seen.

Q. No; you furnished me a different list than this, — that is, difference in paper. A. The list which I furnished were those admitted since, — up to the thirtieth of April, from April ninth; and she had been there long before that.

Q. I understand. A. Her name would not be on that list. If that name is taken from my register I see no reason why he

should have reported missing and not accounted for. Catherine Maguire, 12,422, not discharged, still in the institution, and shows there. [Referring to the register.]

Q. Catherine Maguire; and she appears to be still in the institution? A. Yes, sir.

Q. Now, let us see what Mr. Fairbanks — A. She is an insane woman, asylum No. 2.

Q. I don't care about her insanity. A. I was simply locating her.

Q. Nov. 24, she was admitted, 1873. Now, then, does she.— this gets her into the institution by your register; she appears to be here on the register. A. Yes, sir.

Q. Now, is she still there? A. She is, and well.

Q. Is her name on that list of those that you furnished? A. No, sir; because she came in long before that list. That is only those admitted since April ninth, — that additional list I gave you.

Q. Now, show us another one. A. Margaret McDuffy is still at the institution.

Q. What is her number? A. 24,668.

Q. Admitted, 1865. A. Admitted December 14, 1865, from Boston; still there. [Referring to register.]

Q. And does her name appear on that list? A. No, sir; because she was there before that list was made.

Q. Now, try another. A. Catherine Folen, alias Tobin, 37,264; Catherine Tobin, alias Tolan,—that may be a mistake in spelling; I don't know. September 29.

Q. What is the number? A. 37,264, Catherine Tobin, alias Tolan.

Q. Catherine Tobin, alias Tolan, Sept. 9, 1871; she still there? A. She is; never has been out of the institution.

Q. And that don't appear on your list? A. There is no reason why it should, sir.

Q. I don't ask that; I ask if it does? A. No, sir.

Q. No; it does not. Now, then, we have got it. There is no trouble with these spellings. These spellings are the same on the register as on Mr. Fairbanks' account. A. I don't see why they should not be.

Q. Well, they are. Now, will you tell me how many your list shows were absconded or discharged on the first day of May? A. I haven't reckoned up here; I don't know.

Q. Run over it, sir. A. You mean since the first day of May?

Q. No; on the first day of May. A. Five, I think, sir.

Q. What? A. Five.

Q. Five were all? A. Yes, sir.

Q. When were the entries of those absconding and discharges made on any book? A. They were made in the week ending May fifth. At our institution we divide our weeks up; Saturday closes the week.

Q. They were made, then, sometime after the fifth of May? A. Yes, sir.

Q. And those discharges, and the subsequent discharges, by putting them down, now, since that time, is where you correct Mr. Fairbanks' list of unaccounted-for people? A. Of course, those who have gone out of the institution since May first he would know nothing about from my book here; but he might have seen my discharge-book at home.

Q. I know — A. Or if he had seen Mr. Wrightington's report at the State House.

Q. He could not see them on the first of May, because they would not be made up till the fifth? A. They would not be sent in till the seventh.

Q. Till the seventh. Now, take your registers, — all this performance has been to show that these people were discharged after the first day of May, — all these that have been talked about? A. No, sir; here are twenty who never have been out of the institution since they came in.

Q. Now, then, further than that, — I mean of those that have been discharged subsequent, that corrects the list of twenty of them, or as many as it does, — now, then, did those men discharged after the first day of May appear on the list that you furnished him at all? A. No, sir.

Q. Then, having furnished him a list of how many were there on the first day of May, to make up the condition of your institution on that day, you have since gone and entered a good many discharged, and undertaken to invalidate his account that way? A. I haven't touched my book, sir, since these lists were given him; not discharged anybody from the institution.

Q. Your book. A. I simply stated what I found on the books.

Q. Which you have made up to the first of May. A. This list I made —

Q. I don't care about that list. A. On the fifth of May.

Q. The list you gave Mr. Fairbanks was made the first of May. A. It was made from April 9th to April 30th, inclusive.

Q. And you have been here all this morning accounting for a great number of people, what happened to them since the thirtieth of April, to show Mr. Fairbanks is wrong. A. No, sir; some of this happened before that time. Here is twenty —

Q. Then, why didn't it appear on your list, if it happened before? You brought us here, under your oath, because you were a sworn witness producing papers and making out copies for us, you brought us here what you said was the condition of the discharges and admissions up to the first day of May. A. I did bring them, so far as my books showed them; but I found on looking this over that my books didn't show these discharges, simply because I didn't have my discharge-books to show it by. If I had had my discharge-books it would have been different.

Q. Excuse me; now, let us see about that. Is that your explanation, sir? Think a moment before you try that. A. These people were marked off on my register.

Q. Off what register? A. Off of this register; the one there.

Q. These people are not now marked off? A. I mean to say, they were not marked off.

Q. Now, you must be a little more accurate. These people are not now — your discharge-book was down here, and you haven't entered anything in these old discharge-books down here? A. No, sir, I have not.

Q. Very well, then: how could it be your explanation which you just tried on me, that they were on your discharge-book down here after the first of May? They aren't on there now. A. I don't mean after the first of May: some of them were before the first of May. Here is January 12, 1883; that was on my discharge-book. August 25, 1882; that was on my discharge-book.

Q. It wasn't on your register? A. I explained that when I first started. They were not marked off my register; they were on my discharge-book.

Q. I understand; they were on some other book. And was it the third or fourth call for books I got these discharge-books down here? A. I think it was the second.

Q. Therefore, so far as your register, which should have been accurate, and your continuation, which should have been accu-

rate as to when they had gone, Mr. Fairbanks is right? A. I stated, in the first place, that I thought Mr. Fairbanks, — I find no fault with Mr. Fairbanks.

Q. Well, I don't ask you whether you find fault with him; I only want to know whether he was right with what he did. A. I think he was.

Gov. Butler. You think he was. We won't trouble you any more on that score.

Q. (By Mr. Brown.) Let us see, one moment; do you mean to say that these people that Mr. Fairbanks had, — these who are still in the institution —

Gov. Butler. Wait a minute. I don't think they were gone. That is not the point. The point is now a point of book-keeping, — a point, not whether more were there or weren't there, but that upon the register, which should show where they were, they did not appear to be gone or otherwise.

Mr. Brown. That is just the point I made with Mr. Fairbanks, — that in matter of book-keeping he hadn't the data before him, and never had, by which he could tell whether these people were in the institution or not. It is precisely what I claimed to Mr. Fairbanks, and he would not admit it.

Gov. Butler. He said so far as the books went they were correct.

The Witness. I should like to qualify that statement.

Gov. Butler. I wish you would qualify it; now, take it right back.

The Witness. Here are twenty names still standing on my books which he has reported "not present and not accounted for." That is an error. I see no reason why he should make such a statement as that, because their names are still on the book, and the people are still in the institution.

Q. (By Gov. Butler.) Pardon me; did anything which you shew him show whether they had gone or hadn't gone? A. I furnished my book, and that showed they were still in the institution.

Q. Pardon me; the register, — your discharge-books, these little fellows, I am not after now, — was there anything on your register, or on the account you furnished him, which shew they were not in the institution, or were, different from what he stated? A. Yes, sir; my register shows they were in the institution, and are now.

Q. And he says — A. He says they are not accounted

for. I say they are accounted for by being in my register, and being in the house.

Q. But he says they are not shown to be discharged on the register, and they don't appear to be otherwise accounted for. Won't you read and see what he says there. A. [Reading from paper.] "Names of present registered inmates of whose death or discharge there is no record in the register, and who are not reported as present May 1st, 1883." — that they are missing. They are not missing.

Q. And there is no account showing what has become of them. A. They are not missing if they are in the institution.

Q. Pardon me, so far as the records go they are missing. A. They are not missing, because my record shows they are there. Every name, every name of those twenty is on my register; not one of them is missing.

Q. All right. A. Not one of them is missing.

Q. Not one of them is missing. They are missing so far as any record? A. They are not, sir; they are recorded on my register, and they are not missing at all, and never have been missing —

Q. Let us see, — A. And I can't, where they are in —

Q. Wait a minute, sir. Now, let us take the list made by the Board of State Charities on the first of May. A. That list I never saw.

Q. What? A. I never saw that list.

Q. I have no doubt, — give me that, will you, — because he says they didn't appear to be present by that list, where I sent for an actual count and an alphabetical list. A. I have nothing to do with that count, because I never saw it; I am simply taking my books.

Gov. Butler. I understand. I asked for an actual count and an alphabetical list of that accurate count. However, we have all got it now; we won't wait for it; at present I will put in the count, and have this case verified. We will have no difficulty about that, I think.

Cornelius H. O'Brien (*recalled*).

Q. (By Mr. Brown.) When you testified here last, before the committee, were you under arrest?

Gov. Butler. I think it is entirely immaterial.

The Witness. [Interrupting.]

Mr. Brown. Let the governor talk.

Gov. BUTLER. I am not going to talk about it. I simply object. I should like to have some reason for putting it in, and then I have the close.

Mr. BROWN. Do you object to it?

Gov. BUTLER. I certainly do.

Mr. BROWN. I will excuse you, Mr. O'Brien.

The CHAIRMAN. Step aside, Mr. O'Brien.

The WITNESS. What did you bring me here for, Mr. Brown?

Gov. BUTLER. You settle that with him out-doors.

The CHAIRMAN. Step aside. Step aside, Mr. O'Brien. Call your next witness, Mr. Brown.

TESTIMONY OF JOSEPH HENRY CLOUGH (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Joseph Henry Clough.

Q. What is your business? A. A member of the police department of the city of Boston.

Q. How long have you been a member of the Boston police department? A. I am in my twenty-sixth year.

Q. Connected with what station, if any? A. Station Six.

Q. How long have you been connected with Station Six? A. I have been connected with no other station.

Q. Do you know Cornelius H. O'Brien, the witness who was last upon the stand? A. I do.

Q. Do you know his reputation for truth and veracity? A. His truth and veracity is bad.

Q. His reputation for truth and veracity is bad. How long have you known him? A. Well, quite a number of years; I cannot remember now. I have no record of anything of the kind.

Q. Did you ever have occasion to arrest him? A. Yes, sir. I have assisted in arresting him several times.

Q. How many times have you arrested him or assisted in arresting him?

Gov. BUTLER. I never heard of a man's reputation being attacked that way before.

Mr. BROWN. I am going to attack this man's reputation in a new way.

Gov. BUTLER. I have no doubt.

Mr. O'BRIEN. [Interrupting.]

Mr. BROWN. Cornelius, sit still and be calm under this.

Gov. Butler. I should say, if I was going to be technical, that after a man has called his witness he cannot attack him whom he has called.

Mr. Brown. I called him simply for the purpose of identifying him.

Gov. Butler. I understand when a man calls a witness —

Mr. O'Brien. [Interrupting and disturbing the committee.]

Gov. Butler. Take that man out. They have plied him with liquor and brought him here. [Mr. O'Brien was removed by Mr. Innis.]

Mr. Brown. Did what?

Gov. Butler. Somebody has plied him with liquor.

Mr. Brown. Don't charge it on me, because it would be discourteous and untrue.

Gov. Butler. I never should charge it on you. I never knew you to give any liquor to anybody.

Mr. Brown. No. I am a temperance man.

Gov. Butler. I didn't know what the reason was.

The Chairman. Wait a minute, Governor. Let us hear what you propose to ask this man, Mr. Brown.

Mr. Brown. I propose to ask this man in regard to his arresting this witness, and I propose later to introduce a record of ten convictions in court in Boston; and this officer and other officers present have had the opportunity to know something about him.

The Chairman. Bring the record and that will end it, it seems to me. That is the proper way to show that a man has been convicted.

Mr. Brown. Yes. But in order to identify the man —

The Chairman. You may do that.

Gov. Butler. I think we had better put in the record first. Now, let us see about it. In the first place they offer something, then I interrupted to say something, and then the chairman rules.

The Chairman. I intended to rule in the way I supposed would end this matter.

Gov. Butler. No; it don't end it at all.

The Chairman. That the record should be admitted.

Gov. Butler. In the first place, if there is anything to be done that ought to be done, or prevented from being done that ought not to be done, I think by every rule of law this cannot be done; and, if we are to spend a day

or two over O'Brien, we might as well begin. Because I understand this sort of attack is made upon every witness. If it was simply O'Brien I should not bother about it, because his story would take care of itself. In the first place, you cannot attack, in any respectable tribunal, a man's character for truth by showing that he has committed something else, whatever that may be that he has done, unless it is a *crimen falsi* — forgery, perjury, or something of that kind. Now, then, you cannot *a priori* show a conviction, an arrest merely in such a case.

The Chairman. That is true.

Gov. Butler. Because an innocent man may be arrested. And you cannot show an arrest for the purpose of impeaching a man, in order to identify him. Produce your conviction when it is a proper thing to be done, a proper conviction to be proved; and then, if the identity is disputed, it may be proved. I agree that when they produce a record of a *crimen falsi* about this man — not that an Irishman broke a head; because that is not it at all — that that may be put in. But unless it is a *crimen falsi* you cannot put it in. You cannot put in the record of a felony. That was decided in the 125th Massachusetts, I think.

The Chairman. Under the statute isn't the conviction for any crime admissible to show the credibility of the witness?

Gov. Butler. I was about to say, sir, there is just the distinction. No, sir; you could not — in the early time a man could not be a witness at all if he was shown to have been convicted of a felony: a misdemeanor never disqualifies, but it must be a felony. Then the statute was altered and allowed a man to be a witness and allowed a conviction of the same sort to go to his credibility and not to the destruction of the witness. And in the 125th Massachusetts there is a case where there was an offer to put in a conviction for adultery, which, under our statute, is a felony, because it is punishable by imprisonment in the State Prison, — and the court ruled that it could not be put in. I may be wrong about the volume, but I can easily find it. It was a railroad case.

The Chairman. I remember the case.

Gov. Butler. I believe it was somewhere in your neighborhood. It is a railroad case. It might have been the Fitchburg for aught I know. So are we to sit here all day, or many days, to examine into Mr. O'Brien's arrests and convictions? I don't care what they may be, so far as he is concerned. He is here.

He is here to be judged by his story. And I think I shall not very much care what is said about other witnesses, except as a mere question of time. When a man has to prove what is done in hell, he don't summon saints for witnesses; he has to take such witnesses as are there. Now, therefore, I insist upon the rules of law. They may bring policemen to swear that O'Brien's reputation for truth and veracity is not good; that we must hear. But they cannot put in the arrest of this unfortunate man who, when drink is in him, does not obey any of the rules of decorum. And I think it is frivolous beyond measure that we should go into this.

The CHAIRMAN. Do you deny that he can put in the record of the conviction?

Gov. BUTLER. The record of his conviction except for *crimen falsi*.

The CHAIRMAN. Of any crime.

Gov. BUTLER. Not of any crime except a *crimen falsi*.

The CHAIRMAN. I suppose if this was a matter of identifying this witness by this officer, you would not object to his identifying him?

Gov. BUTLER. There need not be any trouble about identifying him. His name is *prima facie* identification.

The CHAIRMAN. It seems to me the record of any conviction of crime under the statute is admissible.

Gov. BUTLER. I know what the statute is, and I have told the committee what the distinction is. It is a new statute which allows a man now to testify, when in the olden time if he had stolen twelve pence, and been convicted for it, he could not testify at all; when that rule was altered, they said that the record of conviction might be put in as against his credibility; but it would be monstrous to say that because a man had a record against him for a simple drunk, one dollar fine, that he was not therefore a man of truth—perfectly monstrous.

The CHAIRMAN. Here is the statute, Governor: "The conviction of a witness of a crime may be shown to affect his credibility."

Gov. BUTLER. Now, what is a crime?

The CHAIRMAN. Anything that a man is complained of for in our courts.

Gov. BUTLER. Oh, no, sir; no, sir.

The CHAIRMAN. From murder down to stealing sixpence.

Gov. BUTLER. Ah, now you put in the *crimen falsi*.

The CHAIRMAN. Trespass, — anything a man may be convicted of.

Gov. BUTLER. Smoking in the streets?

The CHAIRMAN. I think so.

Mr. BROWN. Travelling on Sunday.

The CHAIRMAN. Yes, sir. The conviction of a crime under the statute.

Gov. BUTLER. It is not a crime; it is an offence, and there is the difference.

The CHAIRMAN. I will leave it with the committee, of course.

Gov. BUTLER. Then, I suppose, if a man is travelling on Sunday, and comes into the State, and is wanted, I have to extradite him.

The CHAIRMAN. If he comes within treaty stipulation.

Gov. BUTLER. We have no treaty with another State.

The CHAIRMAN. With another State comes under the constitution.

Gov. BUTLER. No; it is the *crimen falsi*. And, as I say, I offer to you the decision of the supreme court that the record of adultery, which is punished in the State Prison, cannot be put in.

The CHAIRMAN. The record of adultery there was offered for some other purpose, and not to impeach the credibility of the witness.

Gov. BUTLER. Oh, yes.

The CHAIRMAN. Then I think we had better have the volume.

Gov. BUTLER. Then, if you will hand me the Statutes, I will find it. In many cases it is noted in the margin.

[Recess.]

Gov. BUTLER. I would ask how long you propose to sit?

The CHAIRMAN. We propose to sit until noon.

Gov. BUTLER. There is a parade of the school regiment, which I am expected to review.

The CHAIRMAN. How long before it will reach here?

Gov. BUTLER, About five or ten minutes.

The CHAIRMAN. I think we had better adjourn, Mr. Brown. We should sit only until twelve o'clock.

[Adjourned until Monday, May 21, at 9.30 A. M.]

THIRTY-FOURTH HEARING.

Monday, May 21.

The committee met in the Green Room at 9.30 A. M., Senator Loring of Worcester in the chair.

The Chairman. A quorum of the committee is present, and we are ready to proceed.

Testimony of Joseph H. Clough (*recalled*).

The Chairman. When the committee adjourned on Friday the question of the admissibility of records of conviction was under discussion, as to the credibility of the witness. Governor, do you still press your objection?

Gov. Butler. That the record of an offence cannot be put in. The same statute which was passed in 1870, and which is now put in the Public Statutes, uses in the section before it crimes and offences, and then it says records of crime may be put in, making the very distinction which I have called to the attention of the committee. Because, the chairman of the committee knows better than I do that it was only the *crimen falsi* that discredited or prevented a witness from testifying — felonies, as they were then understood — felonies at common law. Then the statute was passed, not making that a bar, the conviction of a felony a bar, but that such a record might be put in to discredit a witness. Then came the statute of 1870 — that was previous to 1870 — then came the statute of 1870, which says in all trials for crimes and offences the party may be a witness; and then it says the conviction of a crime can be put in to his discredit. Because, clearly, an offence like selling liquor, which is made an offence by statute, an offence against a city ordinance, like smoking in the street, or any offence, do not go to the credibility of a witness. Assault and battery do not go to the discredit of the witness, because a man may, in the haste of temper, the most truthful man on earth, may commit assault and battery. The common sense of the thing, as well as the

law, would point to the distinction. And, in regard to the identification of this man, there is no occasion for it, because, unless objection is made, the name identifies the party.

Mr. Brown. That is the very difficulty, may it please the committee. The name does not identify. In some of these cases, — I said Saturday there were ten, but in a letter the clerk of the South Boston court says this morning he believes there are sixteen —

Gov. Butler. There it goes again.

Mr. Brown. And in some of them, I think a majority, he is called Cornelius O'Brien. I have one record in my hand where he goes by the name of Cornelius *alias* Cornelius H. O'Brien. My chief object in asking this question was for the purpose of showing the fact that under whatever name this man was indicted, whether as Cornelius O'Brien or as Cornelius H. O'Brien, it is the same man.

The Chairman. It seems to me it is competent to identify the man unless that is waived. Now, I think the record should be produced and shown, to see whether the governor objects to that. I don't know what the crimes are.

Mr. Brown. I don't understand that His Excellency's objection that I must show that this man has been convicted of a felony has any bearing.

The Chairman. It don't seem to me to be the law.

Mr. Brown. That has been the practice, I know, for a good many years. I have had it offered against me in a case where I have had a witness upon the stand; and I have offered it repeatedly. Only a short time ago I offered it in the United States court in a trial there.

The Chairman. It shows whether a man is a law-abiding citizen.

Gov. Butler. O Lord!

The Chairman. The committee will vote upon it. The question is, whether the record of conviction shall be admitted.

Gov. Butler. The record of conviction of an offence and not a crime, is the question I want to raise.

The Chairman. I understand a decision in the 4th of Allen says all crime. So far as that is concerned I think the practice of the courts is that it makes no difference.

Gov. Butler. I don't deny all crime.

The Chairman. Will the committee admit the record of

conviction? [The committee voted to admit the record.] Now, produce the record.

Mr. Brown. This record which I will offer is as follows: [Reading a paper.]

Gov. Butler. Do you call that a conviction?

The Chairman. That is not competent.

Mr. Brown. No, sir; I want to raise the question as to where this man was. When he was here last he denied that he ever had any proceedings instituted against him except in six cases.

Gov. Butler. That is not competent, clearly.

The Chairman. You are attacking him on a given point.

Gov. Butler. That is not competent in any view.

The Chairman. I suppose not.

Gov. Butler. You cannot ask a collateral question and then attack the witness. It is simply playing with you, gentlemen. If you like to be played with I am content. I move that all that be stricken from the record.

The Chairman. That shall be no part of the record.

Gov. Butler. It was simply an attempt to get in what any member of the bar knows is not competent evidence.

Mr. Brown. I didn't understand the remark of the chairman.

The Chairman. I don't think that should be a part of the record.

Mr. Brown. I thought it was something else when I started with it.

Gov. Butler. That is another failed proclamation.

Mr. Brown. It was an original one; it has that merit. I thought I had the other records here. They are in another package. I will send down for them. If there is no objection, I would like to ask this witness whether this man was ever indicted under the name of Cornelius O'Brien.

Gov. Butler. Not at all.

Mr. Brown. You will make no question between Cornelius O'Brien and Cornelius H. O'Brien?

Gov. Butler. There is no doubt about it. I want to ask this officer one question, simply to show how easy it is to impeach people in this way.

Cross-examination by Gov. Butler.

Q. You, yourself, have been complained of for the illegal arrest of O'Brien, haven't you? A. No, sir.

Q. Never? A. No, sir.

Q. No complaint ever made? A. No, sir.

Q. Sure about that? A. Sure about it. That is, if it was ever made, it never came to my knowledge. I should have been likely to have heard from it if I had.

Gov. Butler. I should think you would have.

Testimony of Timothy Enwright (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Timothy Enwright.

Q. Where do you reside? A. At 260 West Broadway, South Boston.

Q. What is your business? A. Police officer of the city of Boston.

Q. Connected with what station? A. Station No. 6.

Q. How long have you been connected with that station? A. Since the 17th of April, 1875.

Q. Do you know Cornelius O'Brien? A. I do, sir.

Q. Cornelius H., sometimes called Cornelius? A. Yes, sir.

Q. You saw him here last Friday? A. I did, sir.

Q. Do you know what is his reputation for truth and veracity? A. I have never formed an opinion of his truth and veracity.

Q. Do you know what people say about him? A. I have never heard it questioned.

Q. Never heard anything said about it? A. Not about his truth and veracity.

Gov. Butler. I object. It cannot go any farther. If he never heard, — if he don't know his character for truth and veracity, — there is an end of it.

Q. How many times have you seen him before you saw him on Friday? A. I have known him between six and seven years. I have had him under arrest twice.

Q. Never but twice that you recollect? A. Twice on different complaints, but one arrest.

Q. When was that? A. I had him the 10th of November, 1879, for a drunk, disturbing the peace, assault and battery on three different persons, and malicious mischief. I had him in 1883, on the complaint of Mary Wright, which you have just read.

Q. You don't know what his reputation is, in his neighborhood, for truth and veracity? A. I never heard it questioned. His eccentricities I have heard questioned — bad temper.

Cross-examination by Gov. Butler.

Q. He is a bad-tempered man; gets drunk, and fights? A. He has got a very bad temper, — an ungovernable temper.

Q. An ugly temper. And he drinks liquor, and that gets him into trouble? A. Well, he gets into trouble without being drunk. He is very easily excited.

Q. An excitable man, and of bad temper? A. A dangerous man in the community, too.

Gov. Butler. That is all. I think we could have guessed that.

Mr. Brown. Is Catherine Powers in the room. [The witness stood up.] You can be seated.

Testimony of John E. Fuller (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. John E. Fuller.

Q. What is your business? A. Police officer of the city of Somerville.

Q. How long have you been a police officer of the city of Somerville? A. Eight years this last April.

Q. Do you know the lady who just came into the room — Catherine Powers? A. I do.

Q. How long have you known her? A. About three years, I think.

Q. Do you know her reputation for truth and veracity in the vicinity where she lives? A. Well, I think it is bad.

Q. You know it; what is it? What is her reputation for truth and veracity in the vicinity where she lives? A. I should think it was bad.

Q. What is the number of the street where she lives now? A. There is no number.

Q. What is the name of the street? A. Murdock Street.

Cross-examination by Gov. Butler.

Q. Tell me the first man that you heard say that her reputation for truth and veracity was bad. A. That I heard say that?

Q. I asked you the first man whom you first heard say that her character for truth and veracity was bad. A. Well, I don't know as I heard any one say that.

Q. You don't know as you ever heard any one say that. When did you first hear anybody say anything about her character for truth and veracity? A. Well, last spring, about a year ago.

Gov. Butler. That is all, sir. A most remarkable impeachment.

Mr. Brown. Is Mr. Emerson W. Law, of Cambridge, here?

Gov. Butler. We haven't had any law here for some time.

Testimony of William E. Hough (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. William E. Hough.

Q. What is your business? A. I am warden of the Cambridge almshouse.

Q. How long have you been in that capacity? A. About seven years.

Q. Do you know Catherine Powers? A. I do.

Q. The lady who sits here in the room? A. Yes, sir.

Q. How long have you known her? A. She was sentenced at the almshouse, for drunkenness, June 12, 1877, for thirty days. She came there again September 25, 1877, as a pauper; with five children each time.

Q. What was done with her? A. The first time she served thirty days and was discharged, with her children. The second time she remained there two days and was transferred to Tewksbury.

Q. Were her children transferred? A. At the same time.

Q. Now, I want you to tell the committee what was her condition and the condition of the children when she was there the last time,— at the time they were transferred to Tewksbury? A. When she was brought there their condition was bad. They were filthy. Their heads were in bad condition, and their bodies also.

Q. From what cause? A. Vermin.

Q. Bodies in the same condition. They had to strip, have their clothes steamed and pickled and washed, and heads thoroughly combed, to get ready to go to Tewksbury.

Gov. Butler. I don't see as that contradicts anything that she said.

Mr. Brown. It strikes me that it does. I beg your pardon; she testified that her children were cleanly when they went to Tewksbury, and there they got lousy.

Gov. Butler. That was exactly true.

Mr. Brown. Well, I say it was not true.

Gov. Butler. This is simply a step to show they were not lousy when they got there. If this witness is to be believed, when they came to the almshouse at Cambridge they were thoroughly washed and cleansed, and they stayed there two days, and then were sent to Tewksbury, and they ought to have been thoroughly washed and cleansed when they got to Tewksbury. She said that when they went to Tewksbury they were thoroughly cleansed, and if this gentlemen is correct, and I have no occasion to doubt him, they were. That is all there is of it.

The Witness. There is no doubt about that.

Gov. Butler. She said they were thoroughly clean when they went there, and she swore they were lousy after they got there. She is confirmed.

Mr. Brown. She did deny that they had been lousy before.

Gov. Butler. No, no.

Mr. Brown. I beg your pardon.

Gov. Butler. I take your statement, I may be wrong.

Q. (By Mr. Brown.) Have you ever seen her since? A. Not until to-day, I have not.

Q. At the time when she came there in 1877, was her husband with her? A. No, sir. He came to see her before she went away or soon after. I think he didn't come until after she left.

Q. She has never been to the almshouse since that time? A. No, sir, she has not, not having any settlement in Cambridge.

Q. Do you know how many children? You said she had five. Do you know anything about the condition of the children? Did you observe their condition aside from cleanliness? A. There was one idiotic, I think.

Q. Whether there was more than one? A. I have no recollection except one.

Gov. Butler. That is all, sir. Much obliged to you.

TESTIMONY OF CARRIE H. LOCKE (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Carrie H. Locke.

Q. Where do you reside? A. At Tewksbury at present.

Q. At the Tewksbury almshouse? A. Yes, sir.

Q. How long have you been there? A. Five years last October.

Q. And in what capacity have you been there? A. Assistant matron in the baggage-room.

Q. Have you always occupied that position? A. Since the first of October, five years ago.

Q. Now, will you explain fully to the committee what your duties are as assistant matron of the baggage-room? A. When the women are admitted at the institution, I have to see that they are properly cleansed —

The CHAIRMAN. Speak louder, Miss Locke.

GOV. BUTLER. The lady has got a bad cold, and I know how to pity her.

The WITNESS. When the women are admitted to the institution I have to see that they are properly cleansed and their clothes changed. I take their clothing from them, and those that are soiled are sent to the laundry. When they return I do them up in bundles and label them, and they are kept there until I receive orders for them to go away, as a general thing.

Q. Now, where is this bathing of these women done? A. In the basement of the baggage-room.

Q. What paraphernalia have you there for bathing purposes? A. I have five bath-tubs, and a tank that is kept —

Q. Five bath-tubs. These are iron bath-tubs? A. Yes, sir.

Q. And the tank of water and apparatus by which the water is heated? A. Yes, sir.

Q. Well, is there a plentiful supply of water — has there been a plentiful supply of water at all seasons of the year since you have been there? A. Yes, sir.

GOV. BUTLER. You need not follow that unless you choose to: that is not the part of the bathing apparatus that we have asked about.

Mr. BROWN. I understand.

Q. Now, Miss Locke, when you take the clothes from these women, I want you tell me what is your mode of marking them?

What numbers do you put on those clothes? A. I put the names and the date they come in, the date of the month and of the year.

Q. The name of the person, the day when they come into the institution, and what? A. The year.

Q. What else? A. That is all.

Gov. Butler. Don't you put on the register number?

Mr. Brown. I was just going to ask that question.

The Witness. No, sir.

Q. Now, during the five years, the six years next October, since you have been there, what part of the time have you been absent, if any? A. Occasionally. I have had four vacations, I think.

Q. Of what time each? A. Of two weeks each. Then I was absent at one time when mother was sick.

Q. Now, Miss Locke, how many silk dresses have been brought to that institution within your knowledge by women who have been brought there, since you have been connected with it as you have stated? A. I could not say. Very few. Occasionally a woman wears in a silk dress, but it is very seldom.

Q. Well, of what kind and quality? A. Well, as a general thing, of a very poor quality.

Q. Won't you state as nearly as you can the value, the highest value that you think any silk dress that you have seen there would be worth? A. Well, I have two in mind that were very good, and as regards the others, I don't think they were worth a dollar.

Q. You have two in mind and say they were very good? A. I have two that I think are very good.

Q. Now, what two are those that you have in mind? A. One is there now in the baggage-room and the other was worn in by Carrie Dollus.

Q. A white woman or a colored woman? A. A white woman.

Q. Is she there in the institution? A. No, sir, she left; stayed but a short time.

Q. Did she take her dress with her? A. She did.

Q. How many have you in that baggage-room now — that is silk dresses? A. I don't know of but three.

Q. What is the value of those dresses, in your judgment? Are those dresses here? A. Two of them are; the other belongs to an inmate.

Q. Those will be here in a moment. Those that you have brought here are the property of whom? A. Of the State.

Q. What has become of the former owners? A. They died.

Q. And those two dresses were left there with their apparel? A. Yes, sir.

Q. Did you ever know a seal-skin sacque to be brought in there by any inmate?

Gov. BUTLER. Know what?

Mr. BROWN. Of a seal-skin sacque.

The WITNESS. I don't remember of any.

Q. Never since you have been connected with the position? A. Not to my knowledge. I don't remember of any.

Q. Now I want you to tell the committee whether any of the Marsh family, within your knowledge, ever took any silk dresses out of that baggage-room for any purpose, whatsoever? A. Not to my knowledge.

Q. Did you ever see Mrs. Marsh, the wife of Thomas J. Marsh, Sr. — did you ever see her in the baggage-room overlooking clothing or taking them out, or anything of that kind? A. She has been down there to the baggage-room and has taken things away from there.

Q. What things were they? A. Clothing that had been left there by women.

Q. For what purpose did she take them away, if you know? A. She said they were to be given to the girls.

Q. (By Gov. BUTLER.) To whom? A. To the girls.

Q. (By Mr. BROWN.) Do you know what became of them afterwards? A. I could not say.

Q. You did not follow them? A. No, sir.

Q. Now, what was the value of these clothes that you saw her take? That is, what was their kind and condition? A. The clothing of women.

Q. What kind of clothing was it, underclothing or outside? A. Sometimes both.

Q. Was it valuable underclothing? A. I never have any that is valuable.

Q. Just state what the fact was? A. No, sir.

Q. Was it clothing you think she would be likely to give to any of her grand-daughters?

Gov. BUTLER. Pardon me; I object. That is beyond all limit. They were worth taking at any rate.

Mr. Brown. They were worth taking for a purpose.

Q. (By Mr. Brown.) Well, what girls do you mean when you say she took them for the girls? A. I supposed the inmates.

Q. Did you ever have any doubt as to what they were for? A. I never thought much about it.

Q. How frequently are you in and out Mr. Marsh's quarters? A. Very seldom.

Q. You know his grandchildren, do you, by sight? A. Yes, sir.

Q. Did you ever see them with any of this female apparel upon them? A. I never did.

Q. What were the names — you gave the name of one of them — give me the names of the owners of those silk dresses that you have brought here? A. One was Lydia Scowles and the other was Lena Hope.

Q. Were they both white women? A. Yes, sir.

Q. When did the first one enter the institution, as near as you can tell? A. It was before I went there.

Q. You found it there when you entered upon your duties? A. Yes, sir.

Q. That is as to the first. How as to the second? A. She has been there twice; the last time I should judge it might have been a year ago that she came.

Q. Now, did she leave the dress there in the interval between the two visits? A. No, sir.

Q. She took it with her? A. Yes, sir.

Q. You have it again a second time? A. Yes, sir.

Q. And it is there now? A. It is here.

Q. Now after these people die, after you have notice, after you are informed in your position that any person who owns any particular bundle of apparel is dead, what do you do with it? A. I mark it on a card that she has died and put it up on a shelf separately.

Q. Separate by itself? A. Yes, sir.

Q. Are they taken away from your room eventually? A. The clothes are sorted over and put into trunks.

Gov. Butler. The clothes are sorted and put into trunks in the baggage-room to give to women when they go out? What he was asking you about was the clothes of the dead people.

Mr. Brown. That was what I was asking about.

Gov. Butler. I supposed she didn't answer the question; she meant to, undoubtedly.

Q. (By Mr. Brown.) If you receive notice that a person is dead, and there is a bundle of apparel there in that baggage-room, what do you do with it? A. I put it on the shelf.

Q. By itself? A. Yes, sir.

Q. That is a portion of the room which you devote to that purpose? A. Yes, sir.

Q. As indicating that it is the baggage of those who are deceased? A. Yes, sir.

Q. And then, afterwards, what is done with it? A. After we have a number of bundles, Mrs. Marsh has, until she resigned, come down and looked the clothes over.

Q. Then, what was done with them, after she looked them over? A. Those that were good for anything were put into the trunks, and the others were put into the rag-bag.

Gov. Butler. The good ones put into the trunks, and the poor ones into the rag-bag.

Q. Now, what proportion of the clothing, since you have been there, has been put into the rag-bag? A. As much as was not good for anything.

Q. About what proportion? Pretty nearly all, or what share would be put into the rag-bag, and what share would be saved and put into the trunks? A. About one-third of it might go into the rag-bag.

Q. About one-third of it went into the rag-bag. Now, as to the rest; what, within your knowledge, was done with it? A. We kept it for the women when they went out, that were destitute, and we gave it to them.

Q. (By Gov. Butler.) You kept it for women who went out of the institution? A. The inmates. When they were destitute, we used to give it to them.

Q. That is, of the dead? A. Yes, sir.

Q. (By Mr. Brown.) Now, would it be continued there in the baggage-room until it was distributed to those inmates who were going to leave? A. As a general thing it would.

Q. Now, just tell me this: When one of these women, who were inmates, was going to leave the institution, would they be brought to the baggage-room to take their clothing? A. Yes, sir.

Q. Invariably? A. Yes, sir. That is, if they were able to come.

Q. And then you would give them their clothing,—the bundle marked with their name,—as you stated? A. Yes, sir.

Q. And if a person came there who was destitute, and who was going out, what would you do? A. I would supply them.

Q. Supply them from this lot which you say was accumulating, as the result of those who had died? A. Yes, sir.

Q. Now, was that the invariable custom at the institution since you have been there? A. It has been.

Q. Does this old clothing,—is it sufficient to fit these persons out as they leave from time to time? A. As a general thing it is.

Q. Are you ever obliged, under those circumstances, to deal out new clothing? A. Sometimes.

Q. Under what circumstances would you do that? Just state it to the committee. A. Sometimes we have shawls.

Q. Have what? A. Shawls. We have to have new shawls.

Q. Any other articles of clothing? A. No, sir; not as a general thing. Once in awhile, if anybody is very deserving, Mrs. Marsh would give them a new gingham dress.

Q. Well, how well clad are these people when they leave? That is, do you intend they shall be warmly and comfortably clad, and the amount of clothing regulated as to the day and season in which they leave? A. Yes, sir; we try to do so.

Mr. Brown. There is a single question I want to ask, when my messenger comes up with the bundle.

Gov. Butler. About those dresses?

Mr. Brown. Yes, sir.

Cross-examination by Gov. Butler.

Q. Miss Locke, you are still in charge of the store-room? A. Yes, sir.

Q. Since this investigation commenced, has Mrs. Marsh come down and wanted the key to the store-room? A. Not to my knowledge.

Q. Haven't you said to Mrs. Marsh that her husband had told you if she came for the key not to give it to her? A. No, sir.

Q. Sure about that? A. Yes, sir.

Q. Has she come down for it? A. No, sir.

Q. What? A. No, sir.

Q. Has she been in the store-room since? A. I don't remember of her being there.

Q. Well, has she been to the door, been anywhere — met you anywhere? A. I cannot say.

Q. Can you tell me whether she has met you anywhere and asked you for the key? A. I don't remember.

Q. Don't remember? A. No, sir. I don't remember of her asking me for the key of the baggage-room.

Q. Did she ask you for the key of any room? A. No, sir.

Q. Do you mean that you don't know from want of memory, or do you know the fact not to be so? A. I know the fact not to be so.

Q. Capt. Marsh has not said anything to you about it? A. I asked the captain if I should call upon Mrs. Marsh —

Q. What? A. If I should call upon Mrs. Marsh to look the clothes over as she had done previously, and he said that Mrs. Sanborn would see to them.

Q. When did you ask Mrs. Marsh that? A. Mr. Marsh.

Q. Mr. Marsh. A. After I had heard that Mrs. Marsh had resigned.

Q. After you learned that she had resigned? A. After I heard that she had.

Q. You asked him if you should call on her to look over the clothes, and he said no, Mrs. Sanborn would do that. Has Mrs. Sanborn seen to that ever since? A. Yes, sir.

Q. Has the old lady ever been down there? A. Not to my knowledge.

Q. Hasn't she ever said anything to you about it? A. She came down once, I think, after she resigned, and said she would look the clothes over, and I told her what the captain said, and she didn't look them over.

Q. She came down once after you heard she resigned and said she would look the clothes over. Did she want the key? A. No, sir.

Q. And you told her what the captain said, and what did she say? A. She didn't say anything.

Q. She went away? A. Yes, sir.

Q. You told her that the captain said that after that Mrs. Sanborn would do that; you told her that, did you? A. Yes, sir.

Q. Did you always give her the key before that when she came? A. No, sir.

Q. What? A. No, sir.

Q. What? A. No, sir.

Q. Why not? A. I was generally there.

Q. Did you ever refuse it? A. No, sir.

Q. Never refused it before that time? A. I didn't refuse her then; she didn't ask for it.

Q. She only wanted to look them over. and you told her that the captain said Mrs. Sanborn would do that. Now, don't you know that she is matron there now? No, not now, but up to the time when Mr. Marsh himself left; up to the time when the change was made? A. I don't understand your question.

Q. Was not she matron up to the time that the State Board of Charities came there? A. I think so.

Q. What? A. I think so.

Q. You know when they came there the other day, a few days ago, don't you? You remember their coming there, when Mr. Tripp came there? You remember his coming there? A. Yes, sir.

Q. Very well; was she matron up to that time? A. No, sir; I don't know the date when she resigned.

Q. Well, about when do you think it was? Don't you know she resigned and was appointed honorary matron — *emeritus?* A. I guess it was the first of January.

Q. She resigned and was appointed honorary matron. Was it after she was appointed honorary matron that you told her Mr. Marsh said Mrs. Sanborn would look over the clothes? A. Yes, sir.

Q. How long after? A. I could not say.

Q. After this investigation commenced? A. I don't know.

Q. Can't you tell us now? This investigation commenced the 30th of March, as I remember it? A. I should judge it was before that.

Q. It was before that that she was told that Mrs. Sanborn would look over the clothes? Was Mrs. Sanborn there before? A. She has been assistant matron in the institution.

Q. Do you know whether she is anything else in the institution now? A. I supposed she was matron.

Q. Now, since the first of January, when she resigned, has Mrs. Marsh had the key of the store-room at all? A. Not to my knowledge.

Q. Up to that time did she have it when she wanted it? A. She never asked for it.

Q. I didn't ask that question. Did she have it when she did ask for it? A. She never did ask for it.

Q. Did you go into that store-room with her every time she went in? A. I have, unless I have been away.

Q. Well, then, how do you know she never asked for the key? A. She never asked me for the key.

Q. When she went in did you go in with her always? A. Yes, sir.

Q. Always? A. Yes, sir.

Q. She was never in there alone? A. Not to my knowledge, unless I was away.

Q. Was there more than one key to that room? A. Not to my knowledge.

Q. Do you know whether there is or not? A. Not to my knowledge.

Q. Do you know whether people have been there when you haven't been there? A. I don't think they have, unless I have been away.

Q. Now, let us take this condition of things: you would go away. Who would you give the key to then? A. Sometimes I have left them in the office, and sometimes I have given them to Mrs. Marsh.

Q. Suppose you were going up to Lowell, for instance, to spend the day, would you take the key with you, or where would you leave it? A. I have generally left it with my mother.

Q. And sometimes you put it in the office? A. Yes, sir.

Q. Now, I want to go to this a moment. People came there with trunks, didn't they? A. Yes, sir.

Q. The trunks were locked, I suppose? A. As a general thing.

Q. And they had the keys? A. As a general thing.

Q. Did you get into those trunks? A. Not unless they wanted something, or said the clothes were soiled.

Q. You didn't examine the clothing in the trunks unless the inmates said they wanted something out, or said the clothes were soiled? A. No, sir.

Q. And that was the invariable rule, was it? A. It was.

Q. Then, if a woman came there with a trunk, where was the trunk put? A. In the baggage-room.

Q. Who had the key of the trunk? She? A. As a general thing, unless she asked me to take it.

Q. Well, as a general thing she didn't, I suppose? A. Invariably they did — quite often they did.

Q. Now, all these dresses you have been telling brother Brown about; were these worn by the inmates when they came in? A. I don't know as to the first one, because I was not there.

Q. I was not asking about the time when you were not there. You are telling about silk dresses and the clothes in general. I suppose you didn't take the clothes out of the trunks and put them up on the shelf anywhere? A. No, sir.

Q. Then the clothing you have been telling about was the clothing where a person came with a bundle, were they, or were they dresses they had on? A. Dresses they had on.

Q. And those dresses were taken from them and an institution suit was given them, I suppose? A. Yes, sir.

Q. And when an institution suit was given them, then the dresses that they had on were put in these bundles after being cleaned? A. Yes, sir.

Q. And those are the bundles you have been speaking of? A. Yes, sir.

Q. How many trunks do you think came there while you were there? A. I don't know.

Q. Well, about how many? A. I could not say.

Q. A good many? A. Not very many.

Q. What do you mean by very many? A. Well, every woman didn't have a trunk.

Q. No; that would be a great many. A. There may be one woman in twenty-five who has one. I would not say, sir.

Q. Would you say that one woman in twenty had one? A. I don't know.

Q. What was in those trunks, you didn't know? A. No, sir; as a general thing.

Q. If they were full of seal-skin sacques, or full of silk dresses or diamonds, you didn't open them and take them out, did you? A. I did not.

Q. You didn't know what was in them? A. Unless I was requested to go to them.

Q. And a very few people would come there tramping, with a bundle, who brought silk dresses? A. What?

Q. A very few people, indeed, would come there tramping, with a bundle, and bring silk dresses? A. There were very few people who came there with silk dresses.

Q. Unless in trunks? A. Yes, sir.

Q. Did you ever know Mrs. Marsh to go to one of those trunks? A. No, sir.

Q. Never did? A. No, sir.

Q. You never saw her go to one of those trunks? A. No, sir.

Q. Did any people die who had trunks there? A. Yes, sir.

Q. Tell me one. A. Lydia Scowles.

Q. Tell me another. A. Lena Hope.

Q. What was done with Lydia Scowles; where was her dress? A. In her trunk.

Q. Who was the other? A. Lena Hope.

Q. Where was her dress? A. In her trunk.

Q. Now, were there any others who died, that had trunks? A. Yes, sir.

Q. A good many? A. No.

Q. In five years? A. Quite a number.

Q. What was in their trunks? A. Their clothing.

Q. Did you examine them? A. I was there when Mrs. Marsh examined them.

Q. You were there when Mrs. Marsh examined them? A. As a general thing I have been there when she examined them.

Q. Now, did Mrs. Marsh ever take anything out of those trunks? A. Yes, sir.

Q. What did she take out? A. She took out the clothing.

Q. All of it? A. Yes, sir.

Q. What did she do with it? A. She sorted it over, to see if it wanted mending.

Q. What? A. She had some of it mended, some was sent to the laundry, and she did various things with it.

Q. Did she always examine the trunks? A. Yes, sir.

Q. Where did she get the key? A. Well, they were sent to the baggage-room when they died, if I hadn't them.

Q. Now, you are talking about dead people's trunks? A. Yes, sir.

Q. She examined them in every instance, and not you? A. I didn't examine them.

Q. Then she did what with the clothing? Some she sent to the laundry, some she had mended, and what did she do with the rest? A. Put some in the rag-bag, and others were put into the other trunks.

Q. Into the other trunks? A. Yes, sir.

Q. Was there any put back into that trunk? A. Yes, sir.

Q. Sometimes put back into that trunk? A. Yes, sir.

Q. Now, was that the invariable custom when people died? A. Yes, sir.

Q. Did she take away, up-stairs, some of it? A. Sometimes.

Q. Dresses? A. I think so.

Q. And underclothing? A. Occasionally, — I think so.

Q. Don't you know so? A. No, sir; I don't.

Q. Don't know whether she took any up-stairs? A. Yes; I do know she took it up-stairs.

Q. Very well; you do know. Now, then, didn't she take underclothing? A. I don't know.

Q. Did she take dresses? A. I think so.

Q. You think so. Why didn't she take underclothing any more than dresses? A. I don't know.

Q. Take shawls? A. I think so.

Q. You think so. What makes you think she didn't take underclothing? A. I don't know, I am sure. I never saw any underclothing —

Q. What; never saw any underclothing in the trunks? A. That she took.

Q. There were underclothes in the trunks? A. Yes, sir.

Q. Why shouldn't she take underclothes as well as shawls? A. Well, underclothing is not generally given to women to make over.

Q. I know it is not generally given to the women to make over, because they wear them generally without being made over. And there is quite as good reason for taking underclothes as any other, and a little more. Now, was not this commonly the custom of Mrs. Marsh, to look over the clothing, and take the dresses and such things as she thought ought to be taken, and take them up-stairs? A. She took up what she wanted to use up-stairs.

Q. Never mind what she was going to do with it; I want to know whether that was the ordinary way. A person dies, and she has a trunk there. Mrs. Marsh comes down and gets the key, examines the trunk, and takes away what she chooses, — what she thinks ought to be taken away, — and carries them up-stairs? A. Yes, sir.

Q. And that was done all the time? Now, then, is there

any account kept by anybody, living or dead, about all these transactions? A. Not to my knowledge.

Q. Is there any account of this clothing kept by anybody to your knowledge? A. No, sir.

Q And you don't even have the register number on the bundle? A. No, sir.

Q. All you have is the name? A. Yes, and the date.

Q. The date of admission. Now, supposing seventeen Mary Sullivans came in there, — and I believe there are as many as that, — how would you get at the dresses which belonged to Mary Sullivan? A. Go to the office and get the date.

Q. And refer to the date. That is only way you have had. Very well. Was there ever any time when anybody didn't find the clothing they wanted? A. Not to my knowledge.

Q. Don't you know whether there was? A. I don't know there was any time but what they found their clothing.

Q. You don't know but what there was? Will you swear there was no time when persons missed clothing? A. Unless it was a small piece that was sent to the laundry, and the mark had been lost.

Q. Washed off? A. Washed off.

Q. Nothing unless a small piece sent to the laundry: A. Since I have been there, to my knowledge.

Q. Now, Mrs. Locke, what became of the trunks? A. They are in the baggage-room.

Q. All that were ever there? A. Some of them have been given to women that have gone out.

Q. Have been given to women who have gone out? A. Yes, sir.

Q. That they didn't belong to? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Well, they are very good-natured there. If a woman comes in there and has not any trunk, would they give somebody's else trunk to her? A. They have done such a thing.

Q. How many times do you know that they did that? A. I don't know.

Q. Tell me as many as you do know? A. I have not charged my memory with it.

Q. I wish you would. Give me the name of somebody who has had a trunk given to them. A. I think Annie Kelly had one.

Q. Who was she? A. I don't remember the names.

Q. Do you take back about Annie Kelly? A. I would not be positive.

Q. Had this woman a trunk when she came? A. No, sir.

Q. Do you remember the name of any other woman that ever had a trunk given to her, who hadn't one when she came in? A. I think not.

Q. Do you know of any woman who had a trunk given to her when she went away, who hadn't one when she came? A. Yes, sir.

Q. Well, who? A. I cannot say.

Q. If she had no trunk when she came, and had not accumulated a great deal of dresses and baggage she wanted to take away, what did she want of a trunk? A. She had accumulated things.

Q. What? A. She had accumulated things.

Q. Where did she get them? A. Folks gave them to her.

Q. Who? A. The matrons, sometimes, and sometimes Mrs. Marsh.

Q. Then there would be cases where the matrons would give so many things to a person that she would have to have a trunk when she went away? A. They didn't give them all. Sometimes they would buy things or make them themselves.

Q. And then a trunk would be given to them? A. Yes, sir.

Q. Well, those were rather favorite people, weren't they? Didn't give it to them all? A. No; they were generally the faithful ones.

Q. Generally the faithful ones? A. Yes, sir.

Q. So faithful that somebody's else trunk was given to them? A. They were what belonged to the State.

Q. Only what belonged to the State. They took the State's trunk and gave it to them? A. Yes, sir.

Q. Did you ever know of any sale of trunks there? A. No, sir.

Q. Did you ever hear of any one being sold to any one? A. No, sir.

Q. Did you ever hear of any sale of dresses? A. No, sir.

Q. Did you ever know of the sale of any part of them? A. No, sir.

Q. Then this contrivance has been running for five years. The dresses have been in there all the time, people have died and

there has been no sale of trunks or dresses, or anything of the sort, to your knowledge? A. No, sir.

Q. And the only possible sale of all these dresses has been the rags? A. They have been given to women who went out.

Q. They have been given to women who went out. But the women who went out had some when they came in? A. Some of them were very destitute.

Q. Well, evidently they had a larger amount of travelling baggage when they went out than they had when they came in; — some of them? A. No, not very much more.

Q. Anything more than the underclothing given them, and a single dress? A. Sometimes.

Q. I leave out the faithful ones, you know. I mean ordinary cases. What more had they than a single dress? A. Sometimes I have given them a change.

Q. Where did you get it from? A. The baggage-room.

Q. Was that done at your discretion, or the discretion of somebody else? A. Sometimes mine and sometimes Mrs. Marsh's.

Q. Well, then they were exceptions. There has been no disposition of all the clothing. What amount of clothing is there there now? A. I don't understand.

Q. What amount of clothing is there there now? A. Well, we have several trunks full.

Q. Several trunks full? A. Yes, sir.

Q. How many? A. Probably sixteen.

Q. There may be sixteen trunks full? Have you counted them lately? A. I counted the trunks when they were taking account of stock. I don't remember.

Q. When you were taking account of stock? A. Yes, sir.

Q. Sixteen trunks full. You mean that was the property of the State, or all together? A. It is the property of the State.

Q. There are sixteen trunks full, the property of the State. Is that all there is left of the clothing from the beginning, so far as you know? A. Yes, sir.

Q. What sized trunks are those sixteen? A. Middling sized trunks.

Q. And that is all there is left? A. Yes, sir.

Q. Now, you have got a couple of dresses here. Let me see them and I will save Mr. Brown some trouble. [Two dresses produced.]

Mr. Brown. Yes, I wanted to present them to you.

Gov. Butler. Oh, yes; I want them.

Q. These have been hanging up in the baggage-room? A. No, sir; folded.

Q. Have you ever seen these dresses hanging up? A. Never.

Q. Never? A. No.

Q. Neither of them? A. No.

Q. Never? A. No.

Q. And anybody who swears that these have been hanging up in the baggage-room lies, don't he? A. So far as my knowledge goes.

Q. Now, here is one and here is the other. Did either of these come while you were there? A. That one did.

Q. And the other was there before? A. Yes, sir.

Q. And this came in a bundle, or in a trunk? A. In a trunk.

Q. Of all the dresses that came in all the trunks since you have been there these are the only two that look like silk dresses that are left? A. Yes, sir, to my knowledge.

Q. And all the rest have disappeared somewhere, have they? You don't give silk dresses to those faithful ones that go out, do you? A. I never saw any there.

Q. Now, insane people come there, don't they? A. I should think so.

Q. And women come there who have not been good women — come there to be confined? A. Yes, sir.

Q. Frequently. And that is the class of people that usually have the trunks? A. No, I think not. There are others who have trunks.

Q. I know. But generally they do have? A. No.

Q. That class? A. They do not have them any more than the others.

Q. Take the loose women who come there for any reason? A. Sometimes they do.

Q. And a good many of them come there, don't they? A. Yes, sir.

Q. That is to say, their dresses will be a part of their stock in trade — of that kind of women? Well, then, of all that have come to Tewksbury, this one before your time and this one since, these are the only silk dresses that you have ever seen?

Or, whether you have ever seen any more, this is the only one that is left? A. I have never seen any but what were left.

Q. Have you ever seen any there? A. I have seen women who have had them on when they came in.

Q. Well, they do not wear silk dresses in that establishment much, I take it. A. They occasionally wear them there.

Q. Well, who are they? I thought you dressed them all alike. A. After they are there they are all dressed alike.

Q. Then there are women who occasionally wear them there? A. Occasionally they have them in their trunks; yes, sir.

Q. Well, after they are there they are then put into the institution dress? A. They have an institution dress on.

Q. They are given one? A. Yes, sir.

Q. And it is part of the habit? A. Yes, sir.

Q. And they wear the institution dress while there? A. As a general thing.

Q. And then, when they go away, the silk dresses and other dresses, they call for them and take them away? A. Yes, sir.

Q. Now, suppose a woman had a trunk, and she came there, and after awhile she goes away. How does she get her trunk? A. It is sent to the depot.

Q. To her? A. It goes away with her. It goes when she does.

Q. It is sent down to the depot, and the first that she receives it is down at the depot? A. Well, she sees it in the baggage-room when she goes.

Q. Where is the occasion for her coming to the baggage-room? A. Why, she has to dress in the baggage-room.

Q. She has to change the institution dress for a new dress? A. Yes, sir; for her own.

Q. Have you ever heard, since you have been there, of any loss of any article, except these little pieces in the laundry where the mark has been washed off? Did you ever hear of the loss of any article of dress? A. No, sir.

Q. Never. They all got them? Never have lost anything to any extent? A. Not to my knowledge.

Q. You would have known it, because you had charge? A. Yes, sir.

Q. Now, are not there a lot of silk dresses in those trunks? A. I think not.

Q. Don't you know? A. I do.

Q. Then, of all that have come in, and of all that are left, this

that came to you by inheritance, that came down to you by your predecessor, and this one here — that is all there are? A. Yes, sir.

Q. And yet it was not infrequent for them to come there, you have said? A. Occasionally, I have said.

Q. Well, whenever this class of women came there, more than one would come, wouldn't there? A. More than one woman?

Q. More than one silk dress? A. I don't know.

Q. Well, how came this poor one to be spared, do you know? A. No.

Q. What merit had it that this should be a monument of sparing mercy? A. I don't know that it had any merit.

Q. Is the woman dead? A. Yes, sir.

Q. Are there any more silk dresses there belonging to anybody, living or dead? A. There is one that I know of.

Q. There now? A. Yes, sir.

Q. Well, these three are all that are left there, either of the dead or of the living? A. I don't know of any others.

Q. You ought to know? A. Well, there are trunks there, and there may be some in them.

Q. There may be, but you don't know? A. No.

Q. Now, these five bathing-tubs are right under the office, aren't they? A. Not now; they are moved; they used to be. The baggage-room is moved.

Q. When were they moved? A. When the laundry was burned.

Q. How long ago was that? A. I think it was three years ago.

Q. How many? A. Three years last January.

Q. Are there any officers' bathing-rooms there now? A. Yes; there is one bath-tub for the officers.

Q. Where is that? A. In the bath-room.

Q. Now, then, do you know of any officers bathing in these inmates' tubs, down underneath, where they come, all filthy and dirty, prepared for their bath? Do you know of any of the officers bathing in this inmates' tub, where they come in filthy and dirty? A. I don't know of any of the women bathing there.

Q. Well, I trust no women bathe in those tubs. A. I have heard that men bathed on the other side.

Q. What? A. I have heard that the officers bathed on the other side.

Q. Where did you hear that? A. I don't know where I heard it.

Q. You heard it when Mr. Marsh swore to it? A. No; I heard it before.

Q. Did you ever know anybody to prepare those tanks for them to bathe in? Now, when a woman comes in there, you have to see to it that she has no vermin in her hair, I suppose? A. Yes, sir.

Q. Is that your business? A. Yes, sir.

Q. Well, vermin is very apt, in such an institution, to get into long hair, isn't it? A. I don't know that it is more apt to get into long hair than into short.

Q. It is more difficult to get out? A. No, sir; we have a preparation which we put on which cleans them.

Q. That cleans them? A. Yes, sir.

Q. Don't you cut the hair off? A. No, sir; unless they are very, very bad.

Q. Don't you ever cut the hair off? A. No, sir; unless they are very, very bad.

Q. Unless they are very bad with vermin, you mean? A. Yes, sir.

Q. Then, if they are very bad with vermin, you cut the hair off? Then, I think, you misunderstood me, or I did you. I thought it was not as easy to get vermin out of long hair as it was to get them out of short hair. You thought it was? A. Well, you said, as I understood it, that they were apt to get into long hair rather than short.

Q. No; I said worse to get out. A. Of course, it is harder to get them out.

Q. Then we misunderstood each other. There is no harm in all that. But when they are very bad with vermin, you cut off the hair? A. If it is very badly matted.

Q. Well, in the insane wards, do they leave the hair long? A. I don't know anything about it.

Q. You have seen them there with their hair long? A. Some long and some short.

Q. You have been matron there these five years? A. Yes, sir.

Q. And your mother has been a matron there how long? A. Nearly eight years.

Q. What? A. Nearly eight years.

Q. And you were a school-girl before you were matron, I suppose? A. I suppose so.

Q. What year did you become matron? A. In 1877.

Q. How old are you now, please? A. I decline to answer.

Q. What? A. I decline to answer.

Mr. Brown. Tell the governor if he wants to know.

Q. What objection is there to it? Where were you born? A. I was born in Vermont.

Q. Well, now, where did you go to school? A. I went to school in New York.

Q. Where? A. In New York.

Q. When did you go to school in New York? A. When I was a child.

Q. What? A. When I was a child.

Q. I have no doubt. Where did you go to school last? A. In Lowell, I think.

Q. When did you go to school in Lowell? A. When I was a girl.

Q. What? A. When I was a girl.

Q. Of course, I suppose you did; not when you were a boy. But when, what is the year? A. I think in 1876.

Q. You went to school in 1876? A. Yes, sir.

Q. Whose school did you attend? A. The high school.

Q. The high school in Lowell in 1876. There you gave your age, didn't you? A. I don't know whether I did or not.

Q. Don't you know that that is a rule of that school? A. No.

Q. You never knew of any other person of your name there, did you? A. No.

Q. Well, you went there in 1876. How late in 1876 did you go there? A. I think I went until December.

Q. In December, 1876. Where did you live when you went there to school? A. I lived in Lowell.

Q. With whom? A. With my grandmother.

Q. And her name, please — Locke? A. No, sir.

Q. What time were you appointed matron at Tewksbury? A. In 1877.

Q. What time in 1877? A. In October.

Q. In October, 1877? A. Yes, sir.

Q. Where were you between December, 1876, and October, 1877? A. I was with my grandmother some of the time.

Q. And the other time at Tewksbury? A. Some of the time.

Q. Did you do any thing at Tewksbury before you were appointed matron? A. I did.

Q. What were your duties at Tewksbury before you was appointed? A. My mother was sick, and I took her place and took care of her.

Q. Your mother was sick, and you took care of her and did her business? A. Yes, sir.

Q. You did well. What was the matter with your mother? A. I believe they called it rheumatic fever.

Q. How long was the poor lady affected with the rheumatic fever? A. I don't know.

Q. You took care of her about how long? What time did she have it? Did you leave school to attend her? A. Yes. I don't know whether it was rheumatic fever she had at that time or since, but she was sick.

Q. Well, never mind what it was. She was how long sick? A. Not very long at that time.

Q. About how long? A. Two weeks, I think.

Q. Did you do anything else at Tewksbury before you were appointed matron? A. Yes, sir.

Q. What was that? A. I took mother's place, and then I took some of the other matrons' work while they went on their vacations. I continued in the laundry, and my mother did the work of the other matrons, too, I think, while they went on their vacations.

Q. You took her place at the head of the laundry? A. Yes, sir.

Q. And your mother took the place of two other matrons while they were on vacations? A. Yes, sir.

Q. What is your mother's name? A. Hattie E. Locke.

Q. And yours is Carrie H. Locke?

Q. When you were appointed matron was the time you took charge of this store-house? A. Yes, sir.

Q. And that was wholly under your charge? A. Mrs. Marsh was over me.

Q. Oh, yes; Mrs. Marsh was over you; but Mrs. Marsh, of course, didn't do any work down there taking care of the inmates? A. No, sir.

Q. She was an elderly lady, and you were the person who had to see to it that they were all clean and in good order, and that their clothes were in good order. Who did you have to assist you? A. An inmate.

Q. Who was that? A. I had different ones.

Q. You had an inmate to assist you? A. Yes, sir.

Q. But on you was the responsibility? A. Yes, sir.

Gov. BUTLER. I think, now, we have got it all, unless you will be kind enough to tell me your age, and save me trouble. If you don't I shall have to go and look you up.

The WITNESS. I decline. I shall not tell.

Gov. BUTLER. Oh, well, I will get at it in another way, if you have any objection. Ladies along in life sometimes object, but I think young ladies never do.

Re-direct examination by Mr. Brown.

Q. Miss Locke, when these trunks come in, who retains the keys? Who retains the key during the time the person owning the trunk is at the institution? A. They retain it if they want to, otherwise it comes to me and I keep it.

Q. Now, do you generally, as the result of that rule, do you generally keep the key or does the inmate have it?

Gov. BUTLER. She has answered about that. They keep it if they want it.

The WITNESS. I have a number of keys.

Q. Now, supposing the keys are left with you during the time they are in the institution, do you ever examine the clothing? A. No, sir.

Q. Have you ever in any case allowed these keys to go out of your possession into the hands of any of the Marsh family? A. Never.

Q. Now, do you let anybody have those keys with which you are entrusted by the inmates during the time the inmate is at the institution? A. No, sir; I keep them myself.

Q. Now, supposing an inmate keeps her key, does she ever have the opportunity to visit her trunk, if she desires? A. Yes, sir.

Q. Now, I want to ask you another question; perhaps I don't understand you exactly. During the five years last October that you have been connected with this institution in the capacity you have named, have you ever had any complaint that any inmate didn't get her clothing when she went away? A. No, sir.

Gov. Butler. She said distinctly there was never a case where there was anything lost, except it might be small pieces sent to the laundry.

Q. Now, I want you to tell me,—you say that where persons die the clothing is distributed,—whether it is given out to other inmates or not?

Gov. Butler. Where they die it is put up and kept, and then when they want some they take it.

Q. It is kept, and then if an inmate is going to leave and is in need of clothing, some of this clothing which has been left as the property of the State is given to her on her departure from the institution? A. Yes, sir.

Q. Now, is that clothing valuable? A. No, sir.

Q. [Referring to the two dresses produced.] Is that valuable clothing compared with the general clothing that you have? A. I should say the upper dress was.

Q. How does that upper dress compare with other clothing you have seen there which has been distributed; is it more or less valuable? A. I should say it was more valuable.

Q. More valuable than clothing which you usually have there to be distributed, is it? A. Yes, sir.

Q. Now, you spoke about this clothing being taken up stairs by Mrs. Marsh; what do you mean by that? A. I said Mrs. Marsh took it up stairs to her room.

Gov. Butler. Because there is a good place to distribute it.

Q. What was that room kept for — the room where Mrs. Marsh took this clothing to? A. A sleeping-room.

Q. To what extent was this clothing made over within your knowledge?

Gov. Butler. I only want to say that we ought to have some rule if we are ever to get through. When Mr. Brown examines on a subject, and I cross-examine on the same subject, then it is not to be all gone over. He went just as far as he chose, and I went as far as I chose. If he is going over it again I have got to go over it again. I only make the suggestion with reference to the matter of time.

Mr. Brown. I don't intend to do anything, Mr. Chairman, except to take up some new matters which we may bring out. I am willing to be confined strictly to the rule, and I don't intend to break over it. And I hope the committee won't allow His Excellency to re-examine simply because I do.

The CHAIRMAN. I could not hear all that was said, so I cannot say whether it is repetition or not.

Gov. BUTLER. I only ask for the ordinary rule.

Q. I want to know if any of this clothing, at any time within your knowledge, has been made over into bed-spreads? A. Bed-spreads?

Q. Yes. Don't recollect? A. Made quilts.

Q. Made quilts? A. Yes, sir.

Q. (By Gov. BUTLER.) I want to ask you a single question; what was your salary, as a matron? A. For the first six months I received somewhere about $16.00 a month.

Q. Sixteen dollars a month? A. For the first six months; after that —

Q. What time in 1877 did you say you were appointed? A. October.

Q. All the time you were there your mother was the laundress, wasn't she? A. She had charge of the laundry.

Q. And your father was Horace V.? A. Yes, sir.

Q. And he was the launderer; so there were three of you in the family? A. Yes, sir.

Q. Any other brothers or sisters there? A. No, sir.

Q. And you were a matron. You got in that year, the year 1877 you got $52.56 for that portion of the year, and your father got $300, and your mother got $252; and you have been going on that way ever since? A. Yes, sir.

CORNELIUS H. O'BRIEN'S RECORD.

Mr. Brown offered the records of the municipal court of the South Boston district, certified by J. H. Allen, clerk of that court, as follows:

Cornelius O'Brien was convicted before this court on the sixteenth day of July, A.D. 1877, of discharging a musket loaded with gunpowder in Gold street, and was sentenced to pay a fine of ten dollars and costs thereon.

Cornelius F. O'Brien was convicted before this court on the twenty-ninth day of October, A.D. 1877, of drunkenness, and sentenced thereon to pay the usual fine and costs.

Cornelius O'Brien was convicted before this court on the tenth day of November, A.D. 1879, of malicious injury to a certain cell in Station Six of the Boston police force, by then and there injuring the seat and breaking the cover of a water-closet in said cell, and was sentenced thereon to stand committed to the jail in our county of Suffolk for the term of sixty days from that date.

Cornelius O'Brien was convicted before this court on the tenth day of November, A.D. 1879, of being a disturber of the peace, and sentenced to pay a fine of ten dollars and costs thereon.

Cornelius O'Brien was convicted before this court on the twenty-sixth day of January, A.D. 1880, of drunkenness, and was sentenced to pay the usual fine and costs thereon.

Cornelius O'Brien was convicted before this court on the twenty-second day of June, A.D. 1881, of discharging a pistol loaded with gunpowder, and was sentenced thereon to pay a fine of one dollar and costs.

Cornelius O'Brien was convicted before this court on the twentieth day of August, A.D. 1881, of being a disturber of the peace, and was sentenced to pay thereon a fine of five dollars and costs.

Cornelius O'Brien was convicted before this court on the twentieth day of August of profanely swearing, and sentenced thereon to pay a fine of ten dollars and costs.

Cornelius O'Brien was convicted before this court on the fourteenth day of June, A.D. 1882, of being a disturber of the peace, and sentenced to pay a fine of ten dollars and costs thereon.

Cornelius O'Brien was convicted before this court on the fourteenth day of June, A.D. 1882, of drunkenness, and was sentenced to pay the usual fine and costs thereon.

Cornelius O'Brien was convicted before this court on the twenty-eighth day of August, A.D. 1882, of an assault and battery in and upon one Patrick A. Black, and sentenced thereon to pay a fine of three dollars and costs.

Mr. Brown further offered the record of the superior court for the county of Suffolk, "Begun and holden at the city of Boston, within and for the county of Suffolk, for the transaction of criminal business, on the first Monday of August, in the year of our Lord one thousand eight hundred and seventy-seven, the Hon. Waldo Colburn, a justice of the court presiding." He was indicted before the grand jury. The indictment sets out that "on the thirtieth day of July, in the year of our Lord one thousand eight hundred and seventy-seven, at Boston, aforesaid, with force and arms, in and upon one Jeremiah Sullivan, then and there in the peace of said Commonwealth being, an assault did make, he the said Sullivan also then and there being a peace officer, called a police officer, and then and there also being in the due and lawful discharge of his duties as such officer, as said O'Brien then and there well knew. And so the jurors, aforesaid, on their oath, aforesaid, do say and present that the said O'Brien, at Boston, aforesaid, on the same —— day of July, with force and arms, knowingly and wilfully assaulted

the said Sullivan as such officer, and knowingly and wilfully hindered, resisted, and obstructed him in the discharge of his lawful duties, in manner and form aforesaid, against the peace of said Commonwealth, and the laws and dignity of the same Commonwealth." "This indictment was found and returned into said superior court by the grand jurors at the present August term, A. D. 1877, when the said O'Brien is set to the bar, and has said indictment read to him, he says thereof that he is guilty. It is therefore considered by the court that said O'Brien, for his offence as set forth in the indictment, be punished by confinement in the House of Correction in Boston, in the county of Suffolk, there to be kept at hard labor according to the rules of the same, for the term of one year, and that he stand committed until he be removed in pursuance of this sentence."

Gov. Butler. Nothing but truth telling there.

Mr. Brown. What is that?

Gov. Butler. Truth telling there.

The Chairman. When he plead guilty he told the truth.

Mr. Brown. Oh, certainly; he can tell the truth, I have no doubt.

Gov. Butler. But he does discharge muskets and pistols in the street, loaded with gunpowder.

Mr. Brown. The next is in the same court, first Monday of December, in the year 1879. "The jurors for the Commonwealth of Massachusetts, on their oath, present that Cornelius O'Brien, of Boston, aforesaid, on the eighth day of November, in the year of our Lord one thousand eight hundred and seventy-nine, at Boston aforesaid, with force and arms, in and upon one John J. Maybury, an assault did make with a dangerous weapon, to wit, with a knife, and him, the said Maybury, then and there did beat, bruise, wound and evil treat with said knife, and other injuries to him, the said Maybury, did then and there commit, to his great damage, and against the law, peace and dignity of said Commonwealth."

Gov. Butler. Is it necessary to take our time to read this?

The Chairman. What is he convicted of; what is his crime?

Gov. Butler. Whether he was convicted of assault with intent to kill, or whatever you may say.

Mr. Brown. I should be very glad to pass this over, if His Excellency will not object.

The Chairman. It, substantially, is assault with a dangerous weapon.

Mr. Brown. Assault with a dangerous weapon.

The Chairman. And he was convicted and sentenced to what?

Mr. Brown. He was convicted and sentenced, — there are four counts in the indictment, — and the final record, which probably, it will be necessary to read, in order to a complete understanding, is, "This indictment was found and returned into said superior court by the grand jurors at the present December term, A.D. 1879, when the said O'Brien is set at the bar and has this indictment read to him. He says thereof that he is not guilty, and for trial puts himself upon the country. And the Commonwealth doth the like by its attorney, Melvin O. Adams, Esquire. A jury is empanelled and sworn to try the issue, to wit: Nathaniel C. Decker, foreman, and eleven of his fellows, who, after hearing and understanding all matters and things concerning the same, return their verdict, and on oath say thereof that the said O'Brien, upon the second and third count, is guilty; upon the fourth count he is not guilty, and upon the first count he is guilty of simple assault and battery. It is, therefore, considered by the court that said O'Brien (for his offence as set forth in said verdict) be punished by confinement in the house of correction in Boston, in the county of Suffolk, there to be kept at hard labor, according to the rules of the same, for the term of nine months, the sentence to take effect from and after the expiration of the previous sentence under which he is now held in the common jail, and that he stand committed until he be removed in pursuance of this sentence."

Gov. Butler. He told the truth there; he wa'n't guilty of the whole indictment.

Mr. Brown. He didn't tell the truth; he said he wa'n't guilty.

Gov. Butler. He wa'n't guilty of the whole indictment, he said; and the jury found that he wa'n't. He had three false charges brought against him,— two.

Mr. Brown. No, two.

Gov. Butler. Two false charges brought against him.

JOSEPH HOWARD (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Joseph Howard.

Q. And how old are you? A. Forty-five, sir.

Q. Where were you born? A. France.

Q. When did you come to this country? A. 1862.

Q. And were you a soldier? A. I enlisted in 1863 and served till 1866.

Q. In what regiment? A. The Thirtieth.

Q. Thirtieth Massachusetts? A. Yes, sir.

Q. Who was the colonel of that regiment? A. Dudley.

Q. What company were you in? A. Company C, Captain Read.

Q. Where did you serve? A. Virginia, most of the time, till the war was over, and then we went to South Carolina.

Q. And after the war did you go to Tewksbury? A. Two years after.

Q. Two years after the war. How came you to go to Tewksbury? A. Because I was attacked with brain disease, brain fever, in Georgia, South Carolina, and never got over it.

Q. When was it? Give me the day and year, as near as you can, when you first went to Tewksbury? A. I believe it was some time in the fall of 1867.

Q. Fall of 1867? A. Yes, sir.

Q. Can you recollect the month? A. Not exactly; no, sir. I believe it was December, though I will not be sure of it.

Q. You went as an inmate? A. Yes, sir.

Q. How long did you remain there as an inmate? A. I stopped till spring.

Q. Then what did you do? A. I went out and returned, let me see,— the fall of 1868, I believe,— 1869.

Q. How came you to come out? A. Because I made application to come.

Q. And you were discharged, were you? A. Yes, sir.

Q. Then you went again when? A. I believe it was in 1869.

Q. How came you to go then? A. Because I got a relapse, got sick again and had to return.

Q. Now, from the time you left the service till you went to

Tewksbury the second time, in 1869, you were always an invalid? A. Yes, sir; I never was very strong, and am not now.

A. Now, when in 1869 did you go? A. I believe it was in the fall of 1869.

Q. Can't you give us the month? A. No; I could not.

Gov. Butler. The register ought to show it.

Q. How long did you stay in 1869? A. Stopped till 1870.

Q. What time in 1870? A. In August, I think, it was.

Q. What was the occasion of your coming out in 1870? A. They found they had a military settlement for me in Ashburnham.

Q. Did you go to Ashburnham? A. I did; I stopped there two days, and then I went to work for Platt & Whitney.

Q. What doing? A. Chair-making.

Q. By the way, what was your business originally? A. Glove-making.

Q. That was your business in France? A. Yes; I never worked at it here.

Q. After you went to work for Platt & Whitney, how long did you work for Platt & Whitney? A. About six or seven months.

Q. Then what did you do? A. Returned to Tewksbury; couldn't do any work but three days a week; couldn't make it go.

Q. Were you still an invalid? A. I never was very strong, and am not now; wasn't sick, really.

Q. Now, when was it? Give us the date, as near as you can, when you returned to Tewksbury the third time? A. I believe it was in the spring of 1871.

Q. Have you been there ever since? A. Yes, sir.

Q. Did you return the third time as an inmate? A. No, sir.

Q. What was the capacity in which you returned? A. I returned and asked Mr. Marsh if he would keep me to work for my board, and he did.

Q. Have you been employed for your board since that time? A. Since that time; yes, sir.

Q. Now, what have you been doing? A. Taking care of the men's baggage-room and stores.

Q. By the way, what are your infirmities now, and what

have they been? A. I have got but one eye, and the other one is very near-sighted.

Q. Which is your good eye? A. The right one.

Q. The right eye? A. That is not very good.

Q. What is the matter with the other eye? A. Can't see anything out of it.

Q. Since when? A. Oh, not since 1866.

Q. Since the war? A. Since the war.

Q. And, now, tell us fully what you have been doing since you went there in 1870 or 1871? A. Taking care of the men's baggage-room and stores.

Q. Men's baggage-room and stores? A. Stores in general.

Q. Now, Mr. Howard, when a man comes to that institution, — or, first, where is the room which you have charge of? A. Right under the office.

Q. Under the office? A. It used to be the other side, but three years ago they changed the men's over to where the women's side used to be.

Q. Changed the men's baggage-room to the other side? A. Yes, sir.

Q. In a separate building by itself? A. Yes, sir.

Q. Was that the time when the small building was moved back? A. No; it was just about the time the laundry was burned down; they changed the laundry and then changed the whole sides.

Q. So under the office in that part of the building there is nothing but the men's laundry and baggage-room? A. There is no laundry there; there is nothing there but the men's baggage-room and tailor-shop.

Q. How many bath-tubs are there there? A. Five.

Q. How long have they been there? A. They haven't been there, where we are at present, only three years, — since we moved.

Q. Have there been five bath-tubs always since you have been there? A. We had six on the other side. There used to be only four on the women's side and six on the men's side; when they changed they left five on each side.

Q. Now, for how many years has that baggage-room and bath-room been just substantially as it is now? A. Three years.

Q. Now, when a man comes to the institution, what is done

with him? A. He is taken in and bathed, and if his clothes are not clean they are sent to steam; if they are clean, he wears his outside clothes; his inside clothes are sent to wash.

Q. Do you attend to that duty? A. Yes, sir.

Q. Do you do that all alone? A. No; I have got two or three, — I have got two men to help me, two inmates.

Q. Is there any paid man under you; that is, any man who receives pay? A. No, sir.

Q. Who are they; give us their names. A. At present they are John Cannon and John Devine; but we change almost every month, you know.

Q. How do you get your help there; you select them always from among the inmates? A. Yes, sir; always; it is very often you have to take just what you can get.

Q. Then, after these clothes are cleansed, as you have said, they have been bathed and the clothes have been taken from them and cleansed, what do you do with the clothes? A. The inside clothing they put on and wear till they go away.

Q. What do they do with the outside clothing? A. They wear them.

Q. Wear them about the institution? A. Yes, sir; wear everything except their shirts; let them wear drawers and all, and when they get soiled they get them washed again.

Q. Now, after these clothes are cleansed, you put them in a bundle by themselves? A. Put them in a bundle by themselves, marked with the name and the date they came in.

Q. And has that been the invariable rule since you have been there? A. Yes, sir.

Q. Now, have you ever had any valuable clothing brought there by inmates? A. Very few.

Q. When the inmates go out, they take their clothing? A. Yes, sir.

Q. Have you ever had any complaint since 1871, when you first commenced in this department, from any person, that that person did not get his clothes? A. Yes, sir; that happens once in awhile; some of the clothes is lost in the laundry, would get mixed up on the clothes-horse, — can't find them, because they look all alike.

Q. What precaution do you take so that clothes won't get lost in the laundry? A. We take every piece and number it.

Q. What number do you put on? A. Well, from one up: and when all these clothes that are numbered are returned, use

the same numbers over again. We mark the tag and the clothes the same number. I have a tag, and the same number is put on the clothes.

Q. So that when the washing is returned you can get all the clothes that are returned, and pick out what belongs to any particular inmate who comes? A. Yes, sir.

Q. And put them in a bundle by themselves? A. Yes, sir.

Q. Now, in addition to that duty, what other duty do you perform? A. Take care of the stores and the distribution of the provisions under Mr. Marsh, — stores in general.

Q. And is the store-room immediately connected with the baggage-room? A. No, sir; it is a building by itself.

Q. And where is it? A. It is right, leading off of the women's side, right in the centre of the yard, — a small building, now, by itself.

Q. Now, in regard to the issue of clothing, — is there any rule in regard to that? A. There is a rule not to give any inmate any clothing without orders from the superintendent or assistant.

Q. Do you ever issue clothing except upon such order? A. No, sir; unless it is old clothing, not new clothing.

Q. Not new clothing? A. Not new clothing.

Q. Now, suppose a man comes to the institution, his clothes are taken and cleansed, and put in a bundle by themselves, and that man dies, — what is done with the clothing? A. Put right in the house clothes, — kept for two or three months, and, if they are not called for, put them into the house clothes.

Q. Kept for two or three months, and if they are not called for, they go in with the house clothing; and do you have a room there where these clothes are repaired? A. Yes, sir; a tailor-shop.

Q. And where is that room? A. Right next the baggage-room.

Q. And is that the room you refer to when you say they go with the house clothes? A. No; they simply go in there to be repaired, and then they come back into the baggage-room again.

Q. Where is the room where you say these clothes go? A. The baggage-room.

Q. (By Gov. Butler.) The baggage-room, — the house clothes and these clothes are in the same room? A. Yes, sir; there is only one room; that is all there is.

Q. (By Mr. Brown.) And these clothes are distributed? A. Distributed right along as they need them.

Q. Given out to others who need them more. Now, have you ever found an instance, while you have been there, where the relatives of deceased persons came and claimed the clothes? A. Yes, sir; a good many. I sent a trunk back last Saturday, to Taunton.

Q. Did you ever know an instance where they came for clothing and didn't get it? A. Yes, sir: I remember a man came from Salem after a trunk; the man hadn't been there for ten years; we could not find it; most likely it had been taken out and taken off. That is the only instance I remember.

Q. The only instance you recollect? A. The man was admitted ten years before. If the clothes had been kept they would have been spoiled any way.

Q. And the clothes had been given out? A. Yes, sir.

Q. Do you know the value of the clothes he called for? A. There would be no value to them at all, — only working clothes.

Q. What became of the trunk? A. The trunk is in the store-room yet, — nothing but an old box. On the men's side I don't believe I get more than five or six trunks a year.

Q. And what becomes of them? A. They take them out, most of them. If anybody should die, they claim that.

Q. Now, with regard to the giving out of other stores besides clothing, — what is the rule about that? A. The rule is not to give out anything without an order from the superintendent or assistant or matron, unless the general supplies that is given out every day, that is weighed every day and given out every day for the cook-room, kitchen.

Q. What do you call general supplies? A. Well, sugar and tea, oatmeal and flaxseed, — anything of that kind they need every day, beans and peas, or whatever Mr. Barnard may need in the kitchen.

Q. Is flour in this store-room you speak of? A. No, sir; the flour is by itself; Mr. Barrett, the baker, has charge of that; I have nothing to do with it.

Q. What is the quantity which you weigh out each day of the other articles you have named?

Gov. Butler. That is, if he does weigh them out.

A. Yes, sir; we weigh them out every time, — that is, the tea and sugar; don't weigh any oatmeal. They bring a can for

oatmeal from the kitchen and I fill the can right up. Flax-seed and that stuff is not weighed.

Q. It is taken by measure? A. Taken by measure right there as they need it in the hospitals.

Q. And you have an order as to the amount of these several articles which you are to issue in each day? A. Yes, sir.

Q. Do you recollect, Mr. Howard, this man Cornelius O'Brien? A. I do.

Q. Did he ever come to you for a pair of shoes? A. He did, and didn't get them.

Q. He did, and didn't get them? A. No, sir.

Q. Why didn't he get them? A. Because he didn't have an order from the Captain to get them; that is all.

Q. Did he complain any because you would not give them to him? A. No, sir; he didn't complain to me any.

Q. Now, Mr. Howard, as to the money of the male inmates who are brought there, — is that taken from them? A. Taken at the gate by the clerk.

Q. Well, sir, when a person is turned over to you to be bathed, his clothes to be cared for, suppose you find money on him? A. If I find more than a dollar I take it and wrap it in a piece of paper and take it to the office; if I find less than a dollar I let him keep it.

Q. You always let him keep it? A. Yes, sir.

Q. And has that been the invariable rule? A. Invariable rule.

Q. Since you have been there? A. Yes, sir.

Q. Who was your predecessor, by the way? A. John Martin, I believe.

Q. Is he still at the institution? A. No, sir; he died.

Q. When did he die? A. Four or five years ago, I think; I am quite sure.

Q. Now, Mr. Howard, you have spoken of these bath-tubs that are used there, — whether or not the officers of the institution use these bath-tubs? A. A good many do.

Q. Whether the Marshes, that is, Charley and the young man Tom, whether they use them? A. They use them every week.

Q. Good cleanly place to bathe, isn't it? A. Yes, sir; Dr. Lathrop used to use it very often. Col. Tripp wanted to bathe there last Saturday, but I wouldn't let him, because that was our bathing-day.

Q. Who? A. Col. Tripp.

Q. That is the new man? A. Yes, sir.

Q. He wanted to bathe, but you wouldn't let him? A. No, it was our general bathing-day; we could not let him that day; I could not turn the rest of the men out.

Q. Has that department always been kept just so cleanly while you have been there? A. Just as clean as we can keep it.

Q. You knew something about it while you were an inmate, did you not? A. Yes, sir.

Q. How was it then? A. About the same thing.

Gov. Butler. He has always been an inmate, as I understand it.

Mr. Brown. Oh, no.

Gov. Butler. Why not?

Mr. Brown. He is not an inmate now.

Gov. Butler. He is working for his board.

Mr. Brown. He is not called an inmate, exactly; that is, I have made that distinction.

Gov. Butler. They all work for their board as much as they can, that is, all the inmates.

Q. You are not borne upon the register, are you? A. No, sir.

Q. Now, I want to ask you in regard to the food; when you first went there as an inmate, what was it? A. About the same as it is now; I see no difference.

Q. Has there been any material change since you got acquainted first with the institution? A. Not a great deal: no, sir.

Q. With regard to its food? A. Not a great deal; no.

Q. Now, if there has been any, tell us what it is? A. I could not exactly tell you.

Q. What is it they have now that is better than it was twelve or fifteen years ago? A. I don't see much difference, if any.

Q. Now, let me see, — first give me the date when you first went there. A. 1867, I think.

Q. Now, in what particular, if you are able to tell us, has there been any change in the food since you first went there in 1867? A. I don't see any; I see it is just about always the same thing.

Q. When you were there in 1867 did you have occasion to visit the kitchen? A. No, sir.

Q. Where did you sleep when you were there in 1867? A. Up-stairs in the sleeping-rooms.

Q. In what were called the — A. The sleeping-rooms.

Q. What part of the building was it? A. The main building.

Q. As you stand facing the first building was it on the right or left of the centre portion? A. It was on the left at that time.

Q. What they called the old men's ward? A. Yes, sir: what they call at present the women's side.

Q. Well, how many inmates were there there, about, when you were there as an inmate in 1867? A. I should say about eight or nine hundred.

Q. I mean in that ward where you were, the men's ward? A. How many was living in that room?

Q. Yes, sir. A. There may be thirty.

Q. Now, were you on the first floor or second floor? A. On the second floor.

Q. Do you know how the first floor was occupied? A. About the same. At that time there was only one room on the second floor, the chapel used to be on the first floor, and there was only one sleeping-room on the first floor, —the school-room, the chapel was on the first floor.

Q. Now, Mr. Howard, I want to know about the cleanliness of the beds and bedding: how was it when you were there in 1867? A. The beds were as a general thing clean.

Q. Were there any exceptions? A. There might be an exception once in awhile, of course.

Q. Under what circumstances? A Well, a man came in, you took and bathed him, and looked all his clothes over, but, still, in a couple of days he might not be very clean after that.

Q. So you would have to bathe him again? A. Yes, sir; bathe him again.

Q. Now, was that carefully looked after in 1867? A. Yes, sir; it was looked after every day, the same as now.

Q. And whose duty was it to examine these beds every day when you were there in 1867? A. At that time some of the women was making the beds; they had a matron for that side to clean the rooms up.

Q. Who was the matron; do you recollect? A. I do not.

Q. What I want to get at — A. The first matron I remember was Mrs. Thomas. She had charge of the men's room for a long while.

Q. Now, I want you to tell me, Mr. Howard, from your own personal knowledge and information, whether there has been any change in regard to the cleanliness of that room, of the rooms occupied by the men, or the cleanliness of the bedding, between the time when you went there in 1867 to the present time? A. There has, a good deal.

Q. Such as what? A. There used to be old attics, and the building was all old, and the bed-bugs got into it They took the plaster down and knocked the attics out, and that was a good deal,— put all new floors in.

Q. With the exception of that change, what was there? A. Of cleanliness?

Q. Yes, sir. A. Well, there is better facilities for bathing.

Q. What were the facilities when you were there in 1867? A. First we used to have a big tank.

Q. What do you have now? A. Small bathing-tubs.

Gov. Butler. By "big tank" does he mean one of the big pools? A. Yes, sir; held fifteen hundred gallons.

Q. Where was that? A. It used to be in the basement in the men's bathing-room.

Q. When, within your knowledge, were those bathing-tubs introduced? A. I believe some time in 1871, sir.

Q. 1871. Well, were they there when you went there in 1871? A. No, they was not; they was put in right after.

Q. Right after you went there in 1871; so that for twelve years those individual bath-tubs have been there? A. Yes, sir.

Q. And the same number, that is, including the men's and women's side? A. The same number.

Q. The same number as now? A. Yes, sir; just the same number exactly.

Q. Now, I come back again to the dormitories. Is there any other particular, except the improvement in the building,— the replastering, refinishing and repairing of the floor, in which the present dormitories are an improvement over those which existed in 1867 as you saw them? A. Yes, sir; there is the closets.

Q. Closets? A. There used to be no closets in the room; nothing but carry-outs.

Q. Nothing but what? A. Nothing but buckets.

Q. You mean water-closets? A. Yes, sir.

Q. When you were there in 1867, was there any uncleanliness that you knew of, and if so, what, in regard to the management of these buckets? A. Well, there was; they were not very clean; they could not be.

Q. Just give us an idea of what the attention was that was given to them. A. They was taken out every morning and washed and brought back again in the evening. That is all there was done to them.

Q. Now, when were the water-closets introduced? A. I don't know; it was in 1874, '73 or '74. I could not exactly say.

Q. 1873 or '74. Now I want to ask you, who was the attendant in the men's dormitory when you were there in 1867? A. I don't remember, sir; of course at that time I had no account to be up in the rooms daytime; so I don't know who had charge of it.

Q. You were out-doors daytimes? A. I was only there at night; I could not tell you.

Q. Now, commencing with your earliest recollection, who were the attendants in each of these dormitories, — I mean male attendants? A. Male?

Q. Yes. A. There never was any.

Q. This room you occupied was simply cared for by female attendants? A. By women and some lady matron to take care of the rooms.

Q. All they required was that the rooms should be cleaned and the beds made? A. That is all.

Q. Were your beds good beds to sleep on? A. Good straw beds.

Q. Were they cleanly? A. Yes, sir; they were changed every six or seven months.

Q. That is, the ticks emptied and new straw put in? A. Yes, sir.

Q. And was that the invariable custom at that time? A. Yes, sir.

Q. Did you ever know any person in these dormitories to sleep upon beds, the straw of which was rotten and — A. Not that I know of.

Q. Never heard of any complaint? A. No, sir.

Q. Did you ever know of any acts of cruelty? A. I never saw any.

Q. In connection with that department? A. Not in the men's side; I never saw any.

Q. Now, during the entire period from 1867 down to the present time, have you ever known any acts of cruelty committed by an attendant upon any inmate? A. I saw only one case in the hospital, that is all.

Q. Well, sir; only one case? A. That is all I saw.

Q. Now, what was that? A. This Walter Winning kicking an insane man, Mahoney.

Q. That all you ever saw? A. That is all I ever saw.

Q. What became of Walter Winning? A. He was discharged.

Q. Was he discharged immediately after this was brought to the attention of the superintendent? A. He was discharged by Dr. Lathrop.

Q. Do you know what was done with him immediately after that was done? A. No; I don't know there was anything done to him immediately; I don't know that the doctor knew it.

Q. Do you know when the doctor found it out? A. Found it out, I suppose, when they began to speak about it round the house; and just as quick as he found it out they discharged him.

Q. Now, with that exception of the attendant Winning, do you remember any other act of cruelty in that institution since you have been connected with the institution, since 1867? A. No, I do not.

Q. Did you ever hear of any? A. I never did.

Q. Did you ever hear the inmates complain that they had been cruelly treated? A. Oh, yes; complain a good many times; but come to follow it up to the bottom, you don't find anything to it.

Q. Now, to what extent, Mr. Howard, have you heard complaint there with regard to the quality of the food, if any? A. I have never heard a great deal.

Q. Now, what were the complaints that you heard? A. I could not exactly tell you.

Q. Give us as near as you can? A. I don't know as I could do it. There was a good many found fault with the way the food was cooked. The food is good enough in the first place; of course, it might be cooked better.

Q. Well, how? A. There was a good many found fault that the potatoes were watery.

Q. Well, — we have the same difficulty, Governor. A. Found fault with a good many things.

Q. Such as what else? A. Found fault, sometimes, the beef is too salt.

Q. The beef is too salt; what else? A. I could not tell you; I don't remember. Once in a while the bread will be sour, and they found fault they got sour bread, — something of that kind.

Q. What else? A. Find fault, sometimes, the tea isn't sweet enough, maybe.

Q. Now, to what extent, within your knowledge, have they had sour bread there? A. Very little of it since the present baker is there. They used to have a good deal while Mr. Holt was there.

Q. How long has the present baker been there? A. I should say about eight years.

Q. Have you heard any complaint about sour bread during the eight years this baker has been cook? A. Yes, sir; once in a while there will be a sour batch. It don't happen very often.

Q. Now, as to the quality of the bread, Mr. Howard? A. The bread is good enough for anybody to eat, I should say.

Q. Do you eat it all the time? A. Always.

Q. Where do you take your meals? A. In the old men's ward.

Q. And these men who dine with you there are all inmates, are they? A. Don't eat on the same table. There are only two of us at one table.

Q. You sit in the same room? A. Same room.

Q. And are served with the same food? A. Same food.

Q. And these are the old men, or, at least, the men — A. They are not able to work.

Q. They are not able to work, but they sit at the table without regard to age or circumstances or condition in life? A. Yes, sir; exactly.

Q But you sit in the same room? A. Yes, sir.

Gov. Butler. At another table.

Q. At a table by yourselves? Who dines with you? A. John Burns.

Q. What is his business? A. Taking care of the old men's ward.

Q. He is an attendant? A. Yes, sir.

Q. Paid officer? A. Paid officer.

Q. Now, I want you to tell this committee why it is you stay at this institution for your board? A. I am willing to stay as long as they treat me well; I couldn't do any better outside.

Q. Why not? A. Because, whenever I do any extra work I get paid for it, and that, indirectly, makes me about $120 a year.

Q. That is, you can earn in one way and another in extra work about $120 a year there? A. Yes, sir.

Q. Now, why can't you go outside and work? A. Because I am not strong enough to stand it; I might work a week and then I would have to give up.

Q. And go back? A. And lay back a week.

Q. And go to Ashburnham. I suppose you would have to go to Ashburnham? A. Yes, sir.

Q. Have you been to the Ashburnham poor-house? A. Never was there but two days.

Q. What sort of an institution is it?

Gov. Butler. I object.

The Chairman. I guess we had better not go into this.

Gov. Butler. We can't spend time on more than Tewksbury, now.

The Chairman. It would take a little too long. I know a little about it, and I will tell the committee.

Mr. Brown. If the committee know about it I won't go into it.

Gov. Butler. There was great objection made to examining the institutions from which these bodies came, you know.

Cross-examination by Gov. Butler.

Q. I want to get a few dates in my mind. When did you first go there as an inmate simply? A. In 1867, I think.

Q. (By Mr. Brown.) One question I omitted, Mr. Howard: did you ever sell any clothing belonging to this institution? A. I never did, nor never received one cent for any clothing.

Q. In any way, shape or manner? A. In any shape or manner.

Q. (By Gov. Butler.) Now, you went there in 1867 as an inmate, and you stayed there through one winter. What did

you do while you were there that time? A. Worked on the farm.

Q. Nothing else? A. Different kinds of business; a little of everything; changed myself around.

Q. Were you there through the winter? A. I don't know. I was there only from December until the first of April.

Q. Well, that took up the winter pretty much. What work on the farm? A. Shovelling manure and making snow-paths.

Q. So that was pretty much everything you did. Then you went away. Then you went out through the summer and did as well as you could? A. Yes, sir.

Q. And came back when? A. I didn't come back until 1868, the last end, or the first of 1869.

Q. And you stayed how long? A. Until August, 1870, sir.

Q. And you stayed two years? A. No; I didn't stop only a little over a year, that is all.

Q. What did you do that year? A. I was assistant in the baggage-room.

Q. Assistant in the baggage-room. What were you doing as assistant in the baggage-room? A. Bathing, putting the clothes up, and one thing and another.

Q. Did you do anything else? A. No, sir.

Q. Where did you eat at that time? A. In the hall.

Q. By the hall you mean what? A. The dining-room.

Q. The general dining-room. Then you went out again, and you came back when? A. In 1871.

Q. And have you been there ever since? A. Yes, sir.

Q. Been there steadily ever since? A. Yes, sir.

Q. And you are the man whom they have been speaking about here as French Joe? A. Yes, sir.

Q. And you went back to work for your board? Did you go back and make the offer, or did they send for you? A. I went up and offered myself; they didn't send for me.

Q. You have been working for your board there ever since? A. Yes, sir.

Q. No other pay or emolument? A. Yes; very often I get some extra jobs. If you will look at the book you will find I was night watchman two months.

Q. Very often you would have an extra job, and for that you got pay? A. Yes, sir.

Q. During this last time, since you have been back, from

1871, you have eaten at the table of the officers of the old men's ward? A. Yes, sir.

Q. You and the officers eat together? A. Yes, sir.

Q. And you, too, eat of the same food, I suppose? A. Yes, sir.

Q. Have milk on your table? A. What say, sir?

Q. Have milk on your table? A. Yes, sir.

Q. Have butter? A. Yes, sir.

Q. Sugar? A. Yes, sir.

Q. Every day? A. Every day.

Q. Eggs? A. No, sir.

Q. What? A. No, sir; unless we buy them.

Q. Do you buy them? A. Once in a while we do.

Q. Whom do you buy them of? A. Buy them in the village.

Q. Well, now, as you are there working for your board, you think you earn it, I have no doubt. You don't have exactly the food that the inmates do? A. Yes, sir; the same.

Q. Why so? Do you mean to say that all the inmates have butter and sugar? A. Why, no; there is a few extras, of course. The general food is the same; but there are a few extras.

Q. Stop a moment: don't hurry. Do you mean to say that the inmates have butter and sugar on their table every day? A. No, sir; they have not.

Q. Then you don't have the same food. A. What I meant to say was, that the general food was the same.

Q. Well, we will see about the general food. Now, sir, isn't there an officers' kitchen? A. Yes, sir.

Q. Is there anything brought from the officers' kitchen to your table? A. No, sir.

Q. Nothing? A. No, sir.

Q. Sure about that? A. Yes, sir.

Q. Why doesn't this officer have the same chance with the other officers? What has he done? A. There are three or four who don't eat at the officers' table.

Q. Why so? A. There is more than one who don't eat at the officers' table.

Q. I want to know the officers that don't eat, not at the officers' table, but that don't eat from the officers' kitchen. What officer beside this poor fellow is refused to have his food from

the officers' kitchen? A. Why, there is one farmer and there is a blacksmith.

Q. The farmer, where is he? A. He eats in the dining-room.

Q. In the general dining-room? A. Yes, sir.

Q. Now, tell me any officer except the blacksmith — what is this man's name? A. John Burns.

Q. How long has he been there? A. John has been there since 1873, I believe.

Q. And he is as much an officer as anybody else? A. Yes, sir.

Q. Now, why isn't he treated like the other officers? A. Well, the general rule on that subject always was —

Q. I don't care about the general rule; I only want to know what he has done? A. I am going to tell you.

Q. Well, tell me. A. The general rule was that if anybody came in there as an inmate they would not go to the officers' table if they were there as officers.

Q. Well, he came in as an inmate originaly? A. Yes, sir; and he would not go to the officers' table.

Q. I understand that. And you are not to go to the officers' table. Now, I am not talking about the table; you have a table by yourselves? A. Yes, sir.

Q. Was there a general rule that you should not have anything from the officers' kitchen? A. Nothing.

Q. What? A. We don't get anything.

Q. Was there any rule? A. No; I don't know as there was any rule about it.

Q. But you had the sugar to distribute out? A. Yes, sir.

Q. And the butter in your room? A. Yes, sir.

Q. But still it got on to your table. Didn't you know that your food was different from what there was on the general table? A. There was no difference except on those two points; the rest was just the same.

Q. Stop a minute; the milk and sugar were different, and the butter; there are three points? A. Yes, sir; that is all.

Q. You said two just now? A. I didn't think of the milk.

Q. There is milk and sugar and butter that are different. Now, then, do you have fresh meat? A. Yes, sir.

Q. It is not cooked in the officers' kitchen? A. No, sir.

Q. Do you have oatmeal on your table once in awhile? A. I don't use it, sir; I never take any.

Q. I ask if it is on your table? A. Yes, sir.

Q. Do they have oatmeal on the general table? A. No. They have it in the hospitals.

Q. I understand they have it in the hospitals. Now, we have got four points. There is the oatmeal. Now, anything else? A. There might be rice once in a while.

Q. What? A. There might be rice once in awhile; what they get in the hospitals.

Q. Think again. A. I don't remember anything else.

Q. Have any chickens? A. No, sir.

Q. Ever have any poultry on your table? A. No, sir.

Q. Sure? A. Sure.

Q. At any time? A. At any time.

Q. They have it in the hospital, don't they? A. No, sir: I don't remember any time they had it in the hospital.

Q. Then any poultry we find on the books went for the — A. Officers' table.

Q. Didn't go to the hospital table. That is what I wanted to get at. Not even a turkey, Thanksgiving? A. We used to have roast pork, Thanksgiving. No turkeys.

Q. You didn't get any turkeys? A. No, sir.

Q. Now, we have got where you got your food. Was there any account kept of this inmate clothing? A. No, sir.

Q. No earthly account? A. No, sir.

Q. Of when it goes in or when it comes out — either the old or the new? A. There was an account kept of new clothing that comes in at the office, but not by me. I simply report.

Q. Is there any account kept when it goes out? A. No, sir.

Q. Now, you say you never give any out except by written order? A. No written order. I have an order from the office. There is a speaking-tube from the office to the baggage-room.

Q. All it wanted was an order from the office? No written order; no written receipt? A. Sometimes I got a written order, and sometimes I didn't, but not always.

Q. Just as was convenient. Have you got any of those written orders? A. I don't believe I have; I don't keep them.

Q. You throw them away. You don't keep them? A. No, sir.

Q. And for seven years this business has been going on

without the slightest account; that is, so far as the inmates' baggage-room is concerned. Now, we will come to the delivery of food; was that all done by a written order? A You mean the general supply?

Q. I mean was there anything delivered out of that storeroom where the groceries and things were — and I will go into what they were — by written order? A. No, sir.

Q. Was there any account kept of what went out of there? A. Of the groceries, — no sir.

Q. Of anything that went out? A. Just as much went out every day.

Q. What? A. Just as much went out every day.

Q. Oh, no; you don't mean that? A. Well, in regular groceries, I had to supply, day by day, just as much. Just as many pounds of tea, just as many pounds of sugar.

Q. You don't mean that, if you will think about it? A. Well, I do.

Q. Stick to it, then, if you want to? A. As far as for the inmates were concerned: I don't mean for the officers' kitchen.

Q. I mean for the inmates. Well, on one day there would be 950, and a few days after 820 or 830? A. There is no change made, except in the winter or summer.

Q. What? A. No change made, except in winter or summer.

Q. What? A. There is no change made, except once a year, from winter to summer.

Q. Everything is always dealt out just the same, except in winter and summer? A. Just the same, except winter and summer.

Q. Now, then, when did the summer delivery commence? A. Well, about after the men went away in April; about the first of May.

A. About the first of May? A. Yes, sir.

Q. And that continued until about the first of September or October? A. About the first of October, sir.

Q. From May to October there was the same delivery, whatever the number was? A. Yes, sir.

Q. And from October around to May there was the same delivery, whatever the number was? A. The same delivery.

Q. Whatever change in number, there was the same delivery, as far as the inmates were concerned? Now, then, will

you tell me how much was delivered, every day, of sugar? A. In the summer?

Q. In the summer; yes, sir. A. Well, for the inmates' table, thirty pounds of sugar, — fifteen pounds for evening, and fifteen pounds for morning.

Q. Stop a moment. Thirty pounds of sugar, — fifteen for morning, and fifteen for evening? A. Yes, sir.

Q. That was all that was delivered? A. No, sir; there was three times five pounds for the hospital.

Q. I mean, now, for the inmates. Let us stick to the inmates. A. That is all.

Q. Fifteen pounds in the morning, and fifteen pounds in the evening,—thirty pounds of sugar per day? A. Yes, sir.

Q. Now, we will run the sugar around; that is in the summer, and that was every day? A. That was every day, sir.

Q. Now, how much did that increase in the winter? A. On the winter delivery, it was forty pounds in place of thirty pounds, — five more in the morning, and five more in the evening.

Q. That made forty pounds a day for the other six months? A. Yes, sir.

Q. Now, how much tea to the inmates' table? A. Seven pounds in the summer, and ten pounds in the winter.

Q. Did you deliver the butter? A. No, sir.

Q. You didn't deliver the butter? How much coffee? A Twenty pounds.

Q. In summer? A. Summer and winter. They didn't change it.

Q. Well, now, as a rule, there were a good many less in the summer than in the winter, weren't there? A. Yes, sir.

Q. Run down to 700 or 800? A. Never run below 800, I should say. There are about 900 now.

Q. In the winter it will run up to 1,000? A. Yes, sir.

Q. Sometimes up as high as 1,100? A. No, sir; I don't remember seeing it 1,100.

Q. Ten hundred and eighty? A. I believe there was.

Q. Now, then, the same amount of coffee was delivered whether 1,080 were to drink of it, or 800? A. Yes, sir.

Q. Now, I will take the delivery for the officers' table. Did this cover the hospital, too? A. No, sir; I was telling you about the hospital, and you said, Let it go.

Q. That don't cover the hospital at all. Did the inmates' delivery cover the hospital? A. No, sir.

Q. Now, we will come to the officers' table. How much sugar for the officers' table? A. Whenever they need any they come into the kitchen with a bucket and fill it up.

Q. Who used to come with the bucket? A. Why, whoever the general man was working in the officers' kitchen, — an inmate.

Q. As full as they chose? A. Yes, sir.

Q. You made no inquiry when that bucket was produced? A. No, sir.

Q. How about the tea? A. Just the same. When it was empty they came and filled it up.

Q. What sort of a dish? A. A canister; about five pounds.

Q. Whenever they came to have it filled it was filled? A. Yes, sir.

Q. How about coffee? A. Just the same.

Q. And so with all the other stores? A. Yes, sir.

Q. The cook in the officers' kitchen could have as much as he wanted? A. Yes, sir.

Q. However much it was? A. Yes, sir.

Q. Who had charge of the butter? A. Well, the butter for the inmates, Mr. Barnard.

Q. Mr. Barnard was the man who had charge of the butter; and the milk? A. Mr. Barnard had charge of the milk, too, for the inmates.

Q. Now, we will come to the hospital. How much was given out to the hospital? A. You mean tea and sugar?

Q. Yes; we will begin on sugar, as we did before. A. Fifteen pounds of sugar every day, divided in three. There were three cans.

Q. What? A. Three cans, five pounds in each can, one for night and two for morning, — in the morning.

Q. They got fifteen pounds every day for the hospital? A. Yes, sir.

Q. And that is summer and winter? A. Summer and winter, just the same.

Q. How much tea? A. Two pounds and a half.

Q. For the hospital, every day, summer and winter? A. Yes, sir.

Q. How much coffee? A. None whatever. The coffee

they have they get from the general supply of twenty pounds. None goes to the hospital kitchen at all.

Q. Whatever supply the hospital gets of coffee they get from the same coffee as other people have? A. Yes, sir.

Q. What other stores were issued to the hospital? A. Oatmeal, rice — that is all I know. That is all I have got anything to do with.

Q. That is all that comes out of you? A. Yes, sir.

Q. Now, then, were there any other stores issued at other times out of this general store-house? A. Why, yes, sir; they might need flaxseed in the hospital, and they would come to me and get it. Whenever the box was empty they would come and get it.

Q. Anything else? A. Well, there is nothing else for the hospital, except what they get in the dispensary.

Q. Salt, pepper? A. Well, Mr. Barnard would get that; I don't have any.

Q. Who had the flour? A. The baker.

Q. He had that in his charge? A. Yes, sir.

Q. I believe now we have got how things were issued there. Now, about the clothing; you have already told us about that; and what you have said about clothing includes everything, shoes and everything else? A. Yes, sir.

Q. Do you ever miss any clothing? A. Yes, once in a while; I have had some clothes go to steam and sometimes they didn't come back.

Q. Ever miss any considerable amount of it? A. Oh, no.

Q. Never? A. No, sir.

Q. Sure about that? A. Yes, sir.

Q. Could you tell — suppose somebody got twenty-seven pairs of stockings? A. You could tell if he took them all at once.

Q. What? A. You could tell if he took them all at once.

Q. I don't quite get it? A. I say if he got twenty-five pairs of stockings at one time of course you could see it.

Q. How so? A. You would miss them.

Q. How? A. Because there are never any new stockings in the baggage-room except what I bring down, and if I have an order from the office to get any, then I know how many I bring down.

Q. How many do you get at a time? A. It depends on

how many I need. I might want two or three dozen and I might want five or six dozen.

Q. You never miss anything like that? A. No, sir.

Q. Nor any considerable amount at all? And you have no check at all? All you do is to go up in the store-room and bring down what you think you are likely to need for the time being? A. Yes, sir.

Q. Now, who issues the tobacco every day? A. I do.

Q. On whose order? A. On the order of the Captain.

Q. How much do you issue? A. I don't give any except to working-men. Most of them get their tobacco every morning at the gate.

Q. Where? A. When they go out to work in the morning they get it at the gate. I cut it every morning just as much as will do for the week.

Q. How much do you put out? A. On the outside for the farm, 115 pieces.

Q. How many? A. One hundred and fifteen.

Q. One hundred and fifteen pieces. What sort of pieces? A. Well, small.

Q. I understand; but half-pound or quarter-pound pieces? A. No, sir; weigh about ten to the pound.

Q. What? A. About ten to the pound.

Q. And about 115 pieces for the week outside. How many for the inside? A. I could not exactly tell you.

Q. Do you sell tobacco there? A. No, sir.

Q. Ever sell any? A. No, sir.

Q. Sure about that? A. Sure about that.

Q. Never sold any tobacco to anybody? A. No, sir.

Q. For yourself or anybody else? A. Neither for myself or anybody else.

Q. Do you know of anybody else selling it? A. Well, there is the man that brings the mail, the mail-carrier, he brings tobacco from the village, and if anybody wants it he brings it. He does the same thing in paper and envelopes and that sort of stuff.

Q. But you are not interested in the trade? A. No, sir.

Q. Do you have anything for sale there? A. No, sir.

Q. Stationery? A. No, sir. There was never anything sold in the baggage-room, except what the mail-carrier sells.

Q. Leave out the baggage-room. Do you sell it anywhere? A. No, sir.

Q. Any of your subordinates? A. I see the mail-carrier do it.

Q. Leave out the mail-carrier. A. Nobody else that I know of.

Q. Do you know, or not? A. I don't.

Q. Well, he only sells tobacco, does he? A. Well, paper and envelopes.

Q. Sometimes envelopes and stamps, I suppose? A. Yes; they go together.

Q. Anything else he sold? A. No, sir.

Q. Now, let us see about your source of income. You have absolutely no source of income — you went there without anything? A. Yes, sir.

Q. You have no source of income except these odd jobs. Now, I want to know what these odd jobs are? A. Well, last year I was on the night-watch two months and a half.

Q. What? A. Last year I was on the night-watch two months and a half. And I was on the night-watch the year before.

Q. Now, we will leave that right there; and what else did you do that year? A. Very often, when a night watchman wants to go away, I would take his place.

Q. Well, do you include that in the two months and a half? A. No, sir; I do not.

Q. Well, anything else that you do there for which you get pay? A. No, sir, except what I get from the office. If I want any money I go to the office and ask for some and get it.

Q. What claim have you upon the officers? A. I don't mean the officers, I mean the office.

Q. Do you get the office money; what for? A If I have need of any.

Q. Well, that is a clever office to have? A. I don't get much at a time.

Q. I don't know whether you get much at a time, but when you need money, you go to the office and get it. What for? Here is a man working for his board, and they have not any other money at the office except their own and the State's, and when you want money you go to to the office and get it. Now, what for? A. I cannot answer you that question, what for.

Q. But you must answer it. You know what you get money for and I know what you get money for? A. For what work I do, I suppose.

Q. What work? You work for your board only? A. Yes, sir.

Q. Very well; what do you get money for? A. For the same work.

Q. For what work? A. There is no regular wages.

Q. Well, regular or irregular wages, you were there working for your board. When you take the place of night watchman you get a watchman's pay. Now, what outside work do you do that you get money for when you go to the office? A. None.

Q. But you do get money when you go to the office? A. Yes, sir.

Q. Very well. What work is it you get money for? A. Nothing extra.

Q. What? A. Nothing extra; no extra work.

Q. What for? A. I cannot tell you what for.

Q.. Oh, yes, you can? A. Well, I cannot. I have told you all I know about it.

Q. Pardon me, let us see. Here is a man hired to work for his board, and he gets his board, and good board too. Now, then, in addition to that, when somebody is off duty he takes their place, and gets money for that. And he is in an institution managed by the State, where money is to be accounted for, and he goes to the office and gets money. Now, I want to know what he gets that money for? A. I have told you all I can tell you about.

Q. What? A. I have told you all I know about it.

Q. Pardon me, you know? A. I don't know.

Q. You don't know. When did you begin to ask for it? A. I could not exactly tell you.

Q. Was it as soon as you got there? A. Not directly; a year or two after that.

Q. You began about a year or two afterwards? A. Yes, sir.

Q. Had it ever since? A. Yes, sir.

Q. How often have you asked for it? A. It might be two or three times a year.

Q. How much would it be? A. It would not be more than ten dollars a year.

Q. That is all? A. That is all.

Q. Ten dollars a year that you got at the office. Now, what other jobs did you get? A. There is no other ones that I know of.

Q. What? A. There is no other ones that I know of.

Q. Don't you know? A. I say there is no other ones.

Q. Sure? A. Yes, sir; positive.

Q. Well, where do you get your $120 a year outside of your board? A. I said last year I got about $120.

Q. How long did you work as night watchman? A. About two months and a half.

Q. How much was that? A. Twenty-five dollars a month.

Q. That makes sixty-two dollars and a half. Where does the other sixty-two dollars and a half come from? A. Whenever I was on night-watch for Mr. Noyes —

Q. Pardon me, you are at work for a night watchman now? A. No, I was not at that time.

Q. Who paid that money; the night watchman? A. No, sir; the State paid that.

Q. Well, that is deducted from the night watchman? A. Do you mean this two months and a half? No, that was the State paid that.

Q. Who was the night watchman whose place you took? A. Mr. Noyes.

Q. Last year? A. Yes, sir.

Q. Mr. Noyes didn't pay anything? A. That time he didn't pay anything; then he was sick.

Q. He was away? A. He was sick.

Q. He was away from his duty, he was sick two months and a half, and you took his place for two months and a half, and you were paid and not him? A. Yes, sir.

Q. Now, then, for whom else did you do any work? A. Well, I would work very often for Mr. Noyes when he needs to go away; of course he pays that and the State don't.

Q. How much did he pay you? A. The same as he gets.

Q. What? A. The same as he gets.

Q. How much time did you last year work for Mr. Noyes, besides these two months and a half? A. I could not tell you; a night at a time.

Q. How many nights altogether? A. I should say a matter of thirty or forty.

Q. What? A. As much as thirty or forty through the year.

Q. Well, now, who else did you work for? A. Sometimes, very often, they had to put on extra watch.

Q. What? A. Sometimes, very often, they put an extra watch on.

Q. Put on an extra watch. What was it? A. Extra watch. They put outside watchmen on outside very often.

Q. How much were you put on extra watchman? A. About fifteen or sixteen nights, I should say.

Q. Who put you on? A. Captain.

Q. The Captain put you on? A. Yes, sir.

Q. The Captain used to pay you this money that you got at the office? A. Yes, sir.

Q. The Captain, or Mr. Marsh? A. Oh, Mr. Marsh,—Thomas J. Marsh, Jr.; he used to pay me. When he paid the rest of the men, he used to pay me.

Q. When you went for money from the office? A. No, no; he used to pay me just the same as the rest on pay day.

Q. He used to pay you on pay day just the same as the rest, and you signed the pay roll? A. Yes, sir.

Q. For all the money you got out of the office? A. Yes, sir.

Q. Are you sure? A. What do you mean? Do you mean for what I received as night watchman?

Q. I mean for all that you received altogether? A. No, I did not.

Q. For these sums that you used to go and get at the office, did you sign any receipt? A. No, sir.

Q. You used to have money given you, and you signed no receipt. Well, now, Mr. Noyes was a watchman and his name is somewhere here. [Referring to the auditor's report.] This was last year, in 1882. Where is Mr. Noyes now? A. He is there at present, sir.

Q. What is his name? A. Aaron Noyes.

Gov. Butler. [Reading from the auditor's report.] "Poor, Fitzgerald, Colbath, Tingley, Colbath, Martin, Clark, Hilton, Townsend, Clark, Kittredge, Barrett, Hutchinson, Ross, Stackpole, Barnard, Hale, Craig, Thompson, O'Connel, Bean, French, Clark, Chase, Burns, Thompson, Locke, Locke, Noyes."—Aaron Noyes.

Q. That is the man? A. Yes, sir.

Q. Now, we will know exactly. He had three hundred dollars, and you are put down as watchmen $52.43. Then it was not two months and a half. You are a little mistaken? A. That may be, sir.

Q. And he was sick? A. He was out while on duty.

Q. And you took his place? A. Yes, sir.

Q. Now, that is all you got, according to this account of the auditor, $52.43. Now, where did you get the other? A. Well, the rest came from Mr. Noyes, except what I was on for small time.

Q. The rest came from Mr. Noyes? A. For his off nights.

Q. How many were there of those? A. I should say about thirty.

Q. Will you say you know there were twenty? A. Yes, sir.

Q. Well, that won't make it up. A. No, it won't. It was only guess work on my part. I didn't put it down.

Q. Well, pardon me, which was the guess work? You say you got one hundred and twenty dollars. You didn't have so much money that you didn't know how much you got, did you? A. No.

Q. Did you guess at that? A. I guessed at it; yes, sir.

Q. Don't you know how much you got last year? A. No, I don't.

Q. What? A. I don't.

Q. Then what did you tell us for? A. I said about. It might be one hundred dollars or one hundred and twenty dollars.

Q. Or it might be one hundred and fifty dollars? A. No; it was not so much as that.

Q. Why not? Don't you know within twenty dollars how much you got? And you haven't had it only from one source, and there is fifty-two dollars accounted for here. A. No, no; I should say about a hundred dollars.

Q. Well, you say about a hundred dollars now. All right. And that was fortuitous. Now, any other year: the year before did you get any money for watching? A. Yes, sir,

Q. How much? A. About forty-five dollars, I guess, after Mr. Sanborn died. I had to watch after the time Mr. Sanborn died, the middle of April, until the twelfth day of June, when Mr. Noyes came.

Q. You watched between Sanborn and Noyes? A. Yes, sir.

Q. The year before how much did you get? A. I didn't watch any except extra nights.

Q. How much money have you got in the bank? A. I have not got any.

Q. And you have been living here all the while working for your board? A. Yes, sir.

Q. On the ground that you can do better there than anywhere else? A. Yes, sir.

Q. Now, sir, do you know anything about whether anybody was ever taken away from there dead? A. I don't know anything about what was done in the night.

Q. Do you know of its having been done in the daytime? A. No, sir.

Q. Do you know anything about any that have been taken away in the night? A. I have heard talk about it, but I never saw any.

Q. How long ago did you hear it, or about? A. Oh, years ago.

Q. Talked about where? In the institution, I suppose. A. Yes, sir.

Q. Around among the men? A. Well, there was very little talk about it. There was talk sometimes between the officers, but not among the men.

Q. Who were the officers talking about it? A. Oh, I could not tell.

Q. Well, about their being removed in the daytime, or at night? A. No, sir; at night.

Q. And it was a matter of talk. Well, the men talked about it some, didn't they? A. The inmates I never heard talk about it except little.

Q. Well, I am going back now some time. A. I never heard any talk among the inmates.

Q. You don't consult with them much? A. I don't say much.

Q. Did you know anything about there were blocks of wood being buried? A. No, sir.

Q. Ever hear of that? A. No, sir; not until I saw it in the paper.

The CHAIRMAN. Governor, I suppose you won't quite finish this cross-examination this morning?

Gov. BUTLER. I don't want very much more time now; I may want some in the morning. I will stop now, with your leave.

Adjourned until Tuesday, May 22, at 9.30 A. M.

THIRTY-FIFTH HEARING.

TUESDAY, May 22.

The committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester presiding.

JOSEPH HOWARD (*recalled*).

Cross-examination by Gov. Butler.

Q. If I understand your case, Howard, you are sick; could not work elsewhere, — could not earn a living elsewhere? A. That is what brought me to the almshouse first.

Q. You tried it once in awhile, and couldn't? A. Didn't succeed, and went back again.

Q. And went back again. A. Yes, sir.

Q. And, finally, you went back, and have stayed there working for your board? A. Yes, sir.

Q. And getting little odd jobs. A. Yes, sir.

Q. And you have been there, continuously, ever since? A. Since 1871 to the present time; yes, sir.

Q. Continuously? A. Yes, sir.

Q. When were you last in France? A. In 1857.

Q. What? A. In 1857.

Q. When were you last out of the country? A. Out of the country?

Q. Think a moment, now. A. Last time I was out was in 1868, I believe, — 1866.

Q. Better think a little closer than that, you know. A. I can't think any closer than that, — 1868, I believe.

Q. What? A. 1868.

Q. While you were a pauper? A. Yes, sir.

Q. Where did you go to? A. Went to England.

Q. Didn't you go to France? A. No, sir.

Q. Didn't you tell anybody you went to France? A. No, sir.

Q. Sure? A. Sure.

Q. You went to England? A. Yes, sir.

Q. What ship did you go in? A. I don't seem to remember.

Q. Don't seem to remember that ship? A. Oh, the City of Paris, I believe.

Q. What? A. The City of.— I don't know; the City of Boston.

Q. The City of what? A. The City of Boston, I believe.

Q. The City of Boston? A. I think so. She went down; that was the last voyage she made; the next time she went down.

Q. What? A. The next time she went down; that was the last voyage she made; I believe it was the City of Boston. I am not sure.

Q. She is sunk? A. Yes, sir.

Q. You didn't sink in her, evidently? A. No, sir.

Q. How long did you stay in England? A. About five months, I think.

Q. What? A. About five months, I think.

Q. About five months in England? A. Yes.

Q. Where did you go to from England? A. Went to New York.

Q. What? A. New York.

Q. What part of England did you go to? A. Liverpool.

Q. Stay in Liverpool all the time? A. Yes, sir.

Q. What? A. Yes, sir.

Q. And then you went to New York? A. New York.

Q. And then you came to New York? What ship did you come to New York in? A. I don't remember the name.

Q. Don't remember the name? A. No, sir.

Q. That is a misfortune. You don't travel so often that you get your ships mixed up, you know. A. No.

Q. You don't remember. You are certain you went out in the Washington, — in the City of Boston? A. It was a sailing vessel; I don't remember the name of it, — it was a sailing vessel I came back in.

Q. You went out in a steamer, didn't you? A. Yes, sir.

Q. The vessel you went out in was a steamer? A. It was a steamer; yes, sir.

Q. Where did you live at the time you started for Europe? A. Almshouse.

Q. What? A. Tewksbury.

Q. At Tewksbury. Who paid your passage out? A. Dr. Wheelwright.

Q. Dr. Wheelwright. Who paid your passage back? A. I paid it myself.

Q. Where did you get the money? A. I earned it while I was in England.

Q. Earned it while you were in England. Dr. Wheelwright sent you out and paid your passage in a steamer. And what did you earn it at, - earn the money to come back with? A. Most everything; done almost everything.

Q. Such as what things? A. Labor or anything else, where I could stand it.

Q. You labored everywhere at anything? A. Yes, sir.

Q. Did you labor at your trade? A. No, sir.

Q. What? A. No.

Q. Everything but your own trade. And it took you five months to support yourself and get your passage back? A. Yes, sir.

Q. And you got your passage back, came from New York to Boston, and went directly to Tewksbury again? A. No; I did not.

Q. How long did you stay out before you went to Tewksbury? A. I went to the water-works and worked there two or three months.

Q. Three or four months at the water-works; and then you went back to Tewksbury as a pauper? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Was that the time you went back and stayed? A. No; I believe it was the time before; they found a settlement for me in Ashburnham.

Q. What? A. It was a time before.

Q. Then you had one more turn in Tewksbury as a pauper? A. Yes, sir.

Q. Before you went there to stay? A. Yes, sir.

Q. What did Dr. Wheelwright send you out for? A. He asked me if I wanted to go. He had some insane men from Taunton, and he wanted to send them across, and he wanted to know if I would go along with them and take care of them.

Q. What? A. He had five or six insane men from Taunton he was going to send to England.

Q. You speak a little too fast and a little too indistinctly for my hearing. Dr. Wheelwright was going across and you went

with him? A. No, sir; he had five or six insane men from Taunton who was going to be sent to England and he asked me if I wanted to go with them, and I told him yes.

Q. You went out as a sort of— A. Yes, sir; took care of them as they went across.

Q. You went out as an agent of the Board of State Charities? A. Not exactly that, I suppose.

Q. Why not exactly that? A. I should say if I was an agent they would have paid me for it, but they didn't.

Q. Didn't pay you for it. They did serve you rather mean if they sent you out to take care of the men and then didn't provide for your coming back again. A. No, sir.

Q. Didn't provide for your coming back? A. No, sir.

Q. You went in good shape out there? A. Yes, sir.

Q. You went out at the expense of the State? A. Yes, sir; that is the only way I can see it.

Q. You went out at the expense of the State. Where did Mr. Wheelwright find you to go into this performance? How came you acquainted with Mr. Wheelwright? A. Well, because I used to get,—at that time he used to come into the baggage-room and every man he wanted to see I used to get for him. I used to get all the men he wanted to see. I was working in the baggage-room.

Q. You were clerk in the baggage-room while you were a pauper? A. I assisted in the baggage-room; there was somebody else in charge.

Q. Now, how did he know anything about you? Mr. Wheelwright isn't a member of that institution: has nothing to do with it. A. No; he was general agent at that time.

Q. He was general agent? A. At that time, yes: he used to come up there every week, at that time. Mr. Wrightington took his place, you know.

Q. Dr. Wheelwright picked you out and sent you? A. Yes, sir.

Q. Did you tell him you wanted to go and stay or you were coming back? A. No; I didn't tell him anything. He asked me if I should like to go; I told him yes.

Q. Didn't you tell him whether you wanted to come back or not? A. No, sir.

Q. Did not tell him whether you wanted to come back or not; never said anything about that? A. No, sir.

Q. How much did he pay for the passage? A. How much did I pay?

Q. How much did he pay for you, or did you pay, I don't care which? A. I don't know.

Q. Don't know? A. I didn't ask him.

Q. Don't know? A. No, sir.

Q. And you never asked him. Did he give you any money? A. Not much; a little.

Q. How much? A. Four or five dollars, I believe.

Q. Only five dollars? A. Not more than that.

Q. Not more? A. No.

Q. I suppose we will find it on his accounts by-and-by; you sure of it? A. I don't know whether you will find it or not.

Q. I understand; I know about that; I want to know how much money you got. A. I got, — it was pretty near four or five dollars; I am not sure.

Q. Wasn't it more than five dollars? A. No, sir.

Q. Sure of that? A. Yes, sir; sure of that.

Q. And then you came back. Ever go again? A. No, sir.

Q. Ever go anywhere else as an agent? A. No, sir. Well, I used to do, when Colonel Tripp was taking histories, I used to do a good deal of transportation between Tewksbury and Lowell. That is, all those who used to go to Canada, and that way, I used to take very often to Lowell, and see them on board the train for Canada. I didn't go any further than Lowell.

Q. You used to be a sort of master of transportation? A. I used to do a good deal in that way; yes, sir.

Q. Was that when you were in charge of the store-room? A. Yes, sir; I used to go up in the evening, after supper.

Q. The trains didn't always run after supper. A. The Canada train. Most of the transportation I done was Canadians going to Canada. The train left Boston at seven o'clock, and got there at eight, at Lowell.

Q. Who took care of the store-room while you were gone? A. There was nothing wanted in the store-room after supper.

Q. How do you know? A. Nobody took care of it; I had the keys in my pocket.

Q. Always had the keys in your pocket? A. Yes, sir.

Q. Well, supposing somebody wanted a flaxseed poultice in

the hospital and you were off with the key in your pocket? A. They would have to go without it, I suppose.

Q. They would have to go without it, or anything else? A. Or anything else, as far as that is concerned.

Q. Well, now, let us look a little further. I want to call your attention back to this tobacco business. A. All right, sir.

Q. Very well; now, then, did you ever give any money to the son of Thomas J. Marsh, Jr. A. I did.

Q. You did for spending money? You did? A. Yes, sir.

Q. Often? A. No, not very often; not more than twice a year.

Q. What? A. Not more than twice a year.

Q. How old was that boy? A. I say only twice a year.

Q. I see; but how old was he? A. How old was what?

Q. The boy you gave money to. A. I didn't say anything about a boy; I understood you asked me if I ever got any money from Thomas J. Marsh, Jr.

Q. This is the exact question I want to put to you: Thomas J. Marsh, Jr., had a son there, hadn't he? A. Yes, sir: not at present.

Q. I don't ask you whether he is there at present. A. He had; yes, sir.

Q. He had? A. Yes, sir; six or seven years ago.

Q. I understand; you are telling me everything I don't want to know. He had a son? A. Yes, sir.

Q. Now, did you ever give him any money? A. I did not; I never gave him any money.

Q. Did you ever let him have any? A. I never let him have any money; no, sir.

Q. Ever let him have anything else? A. I never let him have anything else, what I know of.

Q. Don't you know whether you did or not? A. I never gave him anything.

Q. I don't ask you whether you gave him anything; I have passed that. Did you let him have anything? Don't fence with me, sir! A. No, sir; I never let him have anything.

Q. Then why do you say, "I never let him have any money" or "Never gave him anything?" Did he get anything through your means, either directly or indirectly? A. He never got anything through my means; no, sir.

Q. Did he get anything without your consent? A. That may be; I don't know.

Q. Don't you know whether he did or not? A. No; I don't know.

Q. Did he use to get things out of the store-room? A. He never got anything out of the store-room, what I know of.

Q. Now, didn't you sell tobacco? A. I never did, sir.

Q. And give him the money? A. No, sir.

Q. Sure? A. Sure.

Q. For spending-money. Do you know Mary Tinnian, I think it is, — Tynan, — over in the insane hospital, or Tyner? A. Mary Tyner isn't in the insane hospital.

Q. I didn't ask whether she is there now or not. Do you know who she is? A. Yes, sir.

Q. Where was she? A. At the present time?

Q. No. Where was she there? What part of the premises did she occupy? A. She was in the women's side.

Q. In what? A. In the women's side; in the female side of the building.

Q. In what side of the building? A. In the female side; the women's side.

Q. The women's side of the building? She was not insane? A. She was in the insane hospital, I believe, in Taunton.

Q. She was insane when she was in Taunton. Let us see if you and I understand the same person exactly. She was the woman that Piper, the murderer, had something to do with? A. Yes, sir.

Q. Then you and I don't make any mistake about it. Well, she was sent to Tewksbury from Taunton, wa'n't she? A. From Danvers, I believe.

Q. From Danvers; then I misunderstood you when you said Taunton before? A. She was in Taunton, too, I think.

Q. She was in Taunton. A. She was sent to Tewksbury from Danvers.

Q. And she was sent from Taunton to Danvers, or got to Danvers somehow, and then she came to Tewksbury. Well, did you use to go over and see her? A. No, sir.

Q. What? Never went to see her? A. You mean in the institution?

Q. When she was in the institution; yes. A. No, sir.

Q. Did you go anywhere else to see her? A. No; I saw her in Boston.

Q. You saw her in Boston. Often? A. Not very often; no; once or twice, I believe.

Q. Did you come with her to Boston? A. No, sir.

Q. She went to Boston and then came back to the institution, didn't she? A. Yes, sir.

Q. Used to go out and be gone a week or so every now and then? A. Who, me?

Q. No; you hurry the question, don't you see. You see where I am coming, you know, and you hurry. I want to know if she didn't use to come out from Tewksbury to Boston and stay a week or two? A. I don't know anything about that; she may have gone for all I know.

Q. Don't you know she did? A. She did; yes, sir.

Q. She did. Then why don't you answer me? She did: and was that frequently? A. No, sir.

Q. Well, you and I have got to define "frequently." How often; once in two or three months? A. I don't believe she was out there more than twice since she came in.

Q. And is she there now? A. She is there now; yes, sir.

Q. And has she got any better than she was? A. I don't know anything about that.

Q. Well, but you have seen her all the time. A. I don't see her very often; no chance to see her there.

Q. You used to come down to Boston to see her? A. I saw her once or twice in Boston; yes, sir.

Q. Yes, you did. Where did you find her? A. Found her on the street wherever I met her.

Q. Found her on the street wherever you met her, yes; but I want to know where you met her. A. I could not exactly tell you now.

Q. Can't you? Did you always meet her on the street? A. I always did; yes, sir.

Q. Always met her on the street: did you always leave her on the street? A. I did, as a general thing.

Q. As a general thing. Well, now, we will come to those particular times when you didn't leave her on the street; where did you take her to then? A. I don't see what that has got to do with Tewksbury.

Gov. Butler. Ah, but pardon me: I want to know what use is made of these insane paupers in Tewksbury by French Joe. That is what I am after now.

The Chairman. Answer the question, Mr. Witness.

Q. Answer the question. Where did you take her to?

You know, and I know; now, out with it. A. I took her to a hotel.

Q. What hotel? A. Took her once to the Bay State House.

Q. Where? A. Bay State House once.

Q. That is once; where else? A. Massachusetts.

Q. Where else? A. That is all.

Q. That is all. Well, how many times did you take this insane woman — A. The woman is not insane at present.

Q. I understand; but a woman who got into Taunton, and from thence into Danvers, and from thence into Tewksbury. Who paid for her expenses there at the hotels? A. I did.

Q. Out of what fund? A. Out of my own, sir.

Q. Out of your own. How many times did you take her to these places? A. I took her never but twice, — three times, I think.

Q. Three times to these places? A. That is all.

Q. How long did you keep her there? A. Never but one night.

Q. You stay with her? A. That is all; one night.

Q. Only one night at a time; yes. A. That is all.

Q. Did you know about her going? A. I did not, sir; not till after she was gone.

Q. Not till after she was gone. And, then, when you made these visits to Boston, how long did you stay? A. How long did I stay?

Q. Yes, sir; at a time. A. I never stopped but one or two days.

Q. You never stopped but one or two days. Now, did you always meet her on the street? A. I did, sir.

Q. Well, you came down from Tewksbury, say this evening — A. I would not meet her on the same day,—might not.

Q. Might not meet her the same day; but you would sometimes, I suppose? A. No, sir; I never did.

Q. You would meet her the next day. How did you, — Boston is considerable of a place, — how did you happen to strike her exactly? A. Because I knew just about where she would be.

Q. You knew just about where you would meet her? A. Yes, sir.

Q. And, then, you met her by appointment; wasn't that it? A. No appointment about it; no, sir.

Q. Merely accidental? A. Not quite accidental, neither.

Q. What? A. Not quite accidental, neither.

Q. It was neither by appointment nor quite accidental. A. Of course, when I was in Boston, I would try to find out where she was.

Q. Try to find out where she was. And where did you go to find out? A. I went to 1½ Endicott Street, — she used to stop there all the time. — and find out where she was.

Q. You used to go to a house on Winter Street? What house was that? A. I beg pardon; I said Endicott Street.

Q. Endicott Street is as good as any other for that purpose, I suppose. How did you know she was stopping on Endicott Street? A. Because she told me she always stopped there.

Q. Always stopped there. She told you she always stopped there, and you always went there and inquired for her, and she was on the street? A. Oh, yes, sir; she would stop there at nights. I would go to look for her daytimes.

Q. Did you ever find her in the house? A. I did not, sir.

Q. Never did? A. I waited for her there sometimes till she came in.

Q. Waited till she came in? A. Yes, sir.

Q. Oftentimes? A. I said only three times altogether.

Q. Three times you waited for her to come in, and she did come in? A. Yes, sir.

Q. Then, there you met her in the house? A. I didn't stop there.

Q. God forbid. I didn't say you did; but you met her there. How many times did you meet her on the street, — there are three times in the house? A. I never met her but three times altogether.

Q. What? A. Only three times altogether.

Q. How many times did you meet her on the street? A. I never did.

Q. But you swore you always met her on the street, just now. A. Well, just about the same thing, because I used to wait for her till she came in.

Q. The street and the Endicott Street house are about the same thing. That is your explanation of it? Now, be as honest as you can, French Joe, and tell me whether you didn't make an arrangement with her to come down and see her? A. No, sir; I did not,

Q. Did not? A. No, sir.

Q. Never had any understanding? A. Never had any understanding.

Q. Never had any understanding. What sort of a house is this on Endicott Street, or was it? A. It was a lodging-house, I believe.

Q. What? A. It was a lodging-house, I believe.

Q. And how did she get money to come down; she was a panper and insane? A. I don't know anything about that.

Q. She managed to get money to go down and lodge. Didn't you give her any? A. No, sir.

Q. Now, then, will you swear that she didn't go down other times when you went after her? A. How do you mean?

Q. Come down from Tewksbury? A. Oh, yes, sir; she did.

Q. Often? A. She might have gone other times for all I know.

Q. What? A. She might have gone other times for aught I know.

Q. Don't you know she did? A. Not always.

Q. Not always, I am not talking about. Don't you know she did go? A. I believe she did.

Q. Frequently to stay by the week? Didn't she use to stay longer than a week? A. She might have stopped a month for all I know.

Q. What? A. She may have stopped a month.

Q. But you were there and saw her. A. I never saw her but three times.

Q. I understand. A. In the last ten years, I never saw her but three times.

Q. The last three years. A. Ten years, I say.

Q. Never saw her but three times down here in Boston. A. In Boston.

Q. Ever see her anywhere else? A. I saw her in the yard; that is all.

Q. You saw her in the yard? A. Not to speak to her.

Q. Ever see her in any other place than Boston or Tewksbury? Think a moment. A. No, sir.

Q. Sure? A. Sure.

Q. Ever over to Lowell? A. No, sir.

Q. When she was there? A. No, sir.

Q. Did she use to go over to Lowell? A. I don't know.

Q. Don't know whether she did or not? A. No, sir; I don't know.

Q. Then, she was a privileged person, like you; she was the only exception, — the only insane and bad woman that was allowed to go and stay a week or two at a time, and come back? A. There was a good many persons coming in and going out all the time.

Q. I understand that. But were there a good many persons who used to go up to Tewksbury and stay a little while, and then go to Boston and stay awhile, and then come back again, and then go back again, and alternate that way, — is that the way this institution was managed? A. There are a good many persons who come in and stay six weeks, and then go to Mr. Wrightington to go out.

Q. What? A. There are a good many persons come in and stay five or six weeks, and then see Mr. Wrightington to go out. Of course, as a general thing, Mr. Wrightington let them go.

Q. What? A. As a general thing, Mr. Wrightington let them go.

Q. I understand; but did Mr. Wrightington agree to this performance of Mary's? A. I suppose so.

Q. You suppose so? A. She could not go away any other way.

Q. Could not go away any other way, except by Mr. Wrightington's permission? A. No, sir.

Q. Think a moment what you are saying, Howard, because this is a pretty grave accusation against Mr. Wrightington's department, to say that Mr. Wrightington allowed this woman to go off and stay two or three weeks at a time, every now and then, and then come back again. A. Well, I don't believe she was out of the institution but twice since she first came in.

Q. Oh, but pardon me; you saw her three times. A. One time was ten years ago.

Q Ah! I am not about the time ago. Now, then, you say you saw her but three times, but you have sworn she was out a good many other times. A. I say she might have been, for all I know.

Q. What? A. I said she might have been out for aught I know.

Q. You have told me that she may have gone out backward and forward. A. I told you plainly I didn't believe she was

out more than two or three times; I beg your pardon, I told you that before.

Q. Yes; and you told me something else before. A. I told you before I didn't believe she was out there more than twice since she came in.

Q. But you saw her three times. A. I say one time was ten years ago.

Q. I don't care whether it was forty years ago. A. She was not in Tewksbury; she was not in Tewksbury at that time.

Q. She was not in Tewksbury at that time? A. No, sir.

Q. The first time you met her she was not in Tewksbury; that is, she hadn't been to Tewksbury? A. No, sir.

Q. What? A. No, sir.

Q. The first time you met her, — sure of that? A. Yes, sir.

Q. And that was ten years ago? A. That was before the Piper case.

Q. That was before the Piper case? A. Yes, sir.

Q. How came you to know her? A. I say I came to know her in Boston.

Q. What? A. Same as you know any other girl.

Q. You knew her in Boston, same as you would know any other girl. Well, she was a bad girl then? A. She was.

Q. Well, where did you meet her then, at the first time? A. On Crescent Place, I believe.

Q. On Pleasant Place? A. On Crescent Place, off Green Street.

Q. Did you meet her then by appointment? A. No, sir.

Q. You went for her? A. I knew she was there at that time.

Q. What? A. I knew she was there at that time.

Q. Was there where you stopped with her at that time? A. Yes, sir.

Q. You stopped at Crescent Place; and how long was that before she came to Tewksbury? A. I don't believe she was in Tewksbury after that, not for seven years.

Q. Seven years. And then you went to Tewksbury and she was at Tewksbury, and you renewed your acquaintance? A. Yes.

Q. Old acquaintances. And, now, is there any other person of that description that you know here in Boston? A. No, sir.

Q. Sure? A. Sure.

Q. Well, did you have any provisions under your charge other than groceries? A. No, sir.

Q. Who did? A. Well, the cook, Mr. Barnard, got the beans and peas and fish and corned beef, and all that kind of stuff.

Q. And poultry? A. Yes, sir; and the vegetables were taken care of by the gardener.

Q. The cook got all the dried fruits and vegetables from the gardener? A. Yes, sir; everything goes to the kitchen.

Q. Have you ever had any other name than Joseph Howard? A. No, sir.

Q. Sure? A. Well, they spelled it different.

Q. How did they spell it? A. Some called it Heauart and Hanward, — when I first came here I didn't speak a word of English, and they spelled it every ways.

Q. When did you first come here? A. When did I first come?

Q. Yes, sir. A. In 1862.

Q. You came in '62? A. Yes, sir.

Q. How did you sign it; you didn't sign it every way, did you? A. Well, at that time the right way to write it was H-a-v-a-r-d; that is the right way.

Q. In honor of the college, I suppose? A. No, sir; that is the right way to write it. They afterwards called me Heauart.

Q. And now it has got to be Howard? A. Yes, sir.

Q. And you wrote it Havard? A. That is the right way to write it.

Q. What? A. That is the right way to write it.

Q. And so your name appears, wherever you have written it, either as Havard or Howard? Did you ever write it Heuart? A. It is on my discharge; it was Heawaert; that is the way they have got it there.

Q. How did you sign your name to the roll? A. Pay-roll?

Q. Yes, sir. A. Where do you mean?

Q Where you had to sign your name, if you were in the war, a good many times. A. I always signed it Howard.

Q. Howard? A. Yes, sir.

Q. How came you to be discharged as Heauart? A. I don't know, I am sure.

Q. Have you got that discharge with you? A. I have not; I don't know, I am sure.

Q. Why didn't you protest, when they came to discharge you as Mr. Heauart, as that would disagree with your name as you put it on the enlistment-roll, and as your name stood on the pay-roll, — how did you come to take such a discharge as that? A. I didn't care anything about it.

Q. Didn't care anything about it? A. No.

Q. Well, now, does your name stand at all on the rolls of Company A, Thirtieth Regiment? A. Yes, sir; Company C.

Q. What? A. Company C.

Q. Company C, Thirtieth Regiment. Does it stand there Howard, Havard or Heauart? A. I believe it is down there H-a-n; they spelled it so many different ways.

Q. What? A. H-a-n, — that is the way it is on the rolls.

Q. H-a-n what? A. Hanward.

Q. It stands there Hanward; it stands Hanward on the rolls? A. Yes, sir.

Q. It stands Hanward on the rolls, you entered it Havard, it is pronounced Howard and you took your discharge as Heauart, — that is the way, is it? A. I couldn't help that.

Q. Oh, yes, you could. A. Because when I tried to spell my name they couldn't understand me at that time.

Q. Why didn't you say, "This isn't my name at all; spell it as it is on the pay-roll, or else they never can find me in the world?" A. I didn't make any objections.

Q. But, then, it might? A. It might; yes.

Q. Did you apply for a pension? A. It might make some; but I didn't make any objection, I say,

Q. I know you didn't make any objection to being called Heauart. Did you ever apply for a pension? A. I did not.

Q. Or State aid? A. No, sir.

Q. Applied for nothing? A. No, sir.

Q. When did you get your discharge? A. On the thirteenth of July, 1866, when the regiment came home.

Q. What? A. When the regiment came home I was discharged in New York, the thirteenth of July, 1866.

Q. And you enlisted when? A. In the latter end of 1863; I believe the latter end of 1863.

Q. (By Mr. Brown.) Mr. Howard, I want to ask you about this man Noyes; what was the injury which he received? A. He was bitten, I believe, by a woman; by an insane woman.

Gov. Butler. Who was that?

Mr. Brown. Noyes.

Q. Mr. Noyes, the watchman, whose place you took? A. Yes, sir.

Q. I want to ask you another question. Have you ever been called upon to assist the appraisers? A. I have, sir.

Q. Have you received any compensation for that? A. Not much; about five dollars.

Q. About five dollars. How frequently have you been called upon to assist the appraisers? A. Every year.

Q. Every year? A. Yes.

Q. Now, is this mail carrier you referred to an inmate? A. He is, sir; yes, sir.

Q. And what is his name? A. Sortwell.

Q. And he goes up to the village at Tewksbury? A. Yes, sir.

Q. Takes the mail up and brings it back? A. Yes, sir.

Q. How frequently? A. Twice a day.

Q. And you spoke of his having tobacco and envelopes. Does he buy them up there? A. He buys them up there and brings them down.

Q. In what quantities? A. Well, whatever they wanted, I suppose. I have not followed it up: I don't know. He got them up just as he wants them, I suppose: wherever there is any call for them.

Q. This man Barnott, or Barrett, as you called him, who, you said, had charge of the butter— A. Barnard; Abraham Barnard.

Gov. BUTLER. He is the cook; he appears on the roll.

Mr. BROWN. He is the cook; yes, sir.

Q. Now, I want to ask you a question, and I forgot it yesterday, and that is this: Did you ever deal out to any member of the Marsh family any sugar, tea, or anything of that kind, in a box, to be sent to Exeter, or Reading, or any other place? A. No, sir; I never gave out any sugar to them without it went right out to the house, or the cook had for the kitchen.

Q. Did you ever know Mr. Thomas Marsh, Jr., or Mr. Charles Marsh, or any of the male or female members of the Marsh family to come after groceries or anything of that kind? A. No, sir.

Q. At the place there? A. No, sir.

Q. Did you ever see any boxes of groceries, or provisions, or anything of that sort, in process of packing, or packed,

marked for any place? A. I did not, and I would not be likely to see them, either.

Q. (By Gov. Butler.) Why would you not be likely to see them? A. Because where I am, sir, is right down in the basement, and if any boxes were going away, of course, I should not see them.

Testimony of Jeremiah B. Sullivan (*sworn*).

Direct examination by Mr. Brown.

Q. What is your full name? A. Jeremiah B. Sullivan.

Q. What is your business? A. Police officer.

Q. How long have you been connected with the police? A. Nine years next September.

Q. That is, the Boston police? A. Yes, sir.

Q. What station are you connected with? A. Station Six.

Q. Do you know Cornelius H. O'Brien? A. I do, sir.

Q. How long have you known him? A. Since the thirtieth of July, 1877.

Q. Thirtieth of July, 1877. Do you know what is his reputation for truth and veracity? A. No, sir: I know nothing about his reputation for that.

Q. What, sir? A. I know nothing about his reputation for truth and veracity.

Q. Do not. Then I have been misinformed. Are you the officer Sullivan who had him under arrest several times? A. No, sir: had him under arrest only once, when he assaulted me.

Cross-examination by Gov. Butler.

Q. Is there any other officer Sullivan at your station? A. No, sir.

Q. Has there ever been? A. Some years ago there was.

Q. Some years ago? A. Before I came there.

Q. You have known all about this man O'Brien for a good many years, haven't you? A. I have, sir.

Q. Seen him in all manner of troubles and fusses, I suppose? A. Yes, sir.

Q. Sometimes arrested him, and sometimes not? A. Arrested him once.

Testimony of William J. Lowry (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. William J. Lowry.

Q. What is your business? A. Police officer, city of Boston.

Q. Connected with what station? A. Sixth station.

Q. How long have you been a police officer? A. Four years and a half.

Q. Do you know Cornelius H. O'Brien? A. Yes, sir.

Q. How long have you known him? A. Since I have been in the station.

Q. Do you know his reputation for truth and veracity? A. Very bad.

Q. It is very bad? A. Yes, sir.

Cross-examination by Gov. Butler.

Q. Who was the first person you ever heard say his reputation for truth and veracity was bad? A. I don't know.

Q. Give me the name of any man that you heard say Cornelius O'Brien's reputation for truth and veracity is bad. A. It is generally.

Q. I don't ask about generalities. Now, stick to this, Mr. Officer; the question is, — and you have been examined enough to know how to tell the truth, — whom did you first hear say that? A. I don't know.

Q. Do you know of any man? A. I know a good many have said so.

Q. I have not asked that question; tell the truth, if you can. Do you know of any man? A. I don't recall; no.

Q. Can't recall a man; only you can't recall any man, because you don't know of any man that said it. Now, sir, when were you first asked about his reputation for truth and veracity? A. I think it must have been within two weeks.

Gov. Butler. Within two weeks. Step down, sir.

Testimony of Dr. George Ellis Putney (*sworn*).

Direct examination by Mr. Brown.

Q. Your full name? A. George Ellis Putney.

Q. And you are a physician, and reside where? A. Reading.

Q. How long have you resided in Reading? A. Since December 1st, 1878.

Q. 1878? A. Or the last day in November.

Q. Where did you reside before that? A. State almshouse, Tewksbury.

Q. How long were you at the State almshouse, at Tewksbury? A. Two years and four months.

Q. Commencing with what date, and ending with what date? A. About the middle of July, 1876, — I think it was the thirteenth or fourteenth, I am not positive, — and I remained there till the 7th of November, 1878.

Q. What was your position at the Tewksbury almshouse? A. First assistant physician.

Q. Who was the physician in charge? A. Dr. Lathrop.

Q. What other physicians were there there? A. Dr. Marston was with me a number of months, or something over a year; he was succeeded by Dr. Foster.

Q. Any other physician? A. Not while I was there.

Gov. Butler. Who was the doctor?

Mr. Brown. Dr. Marston was assistant with him part of the time, and Dr. Foster part of the time.

Q. Dr. Lathrop was with you all the time? A. Yes, sir.

Gov. Butler. Did he succeed Helen Marsh?

Q. Whom did you succeed, do you know? A. I think I was the first one appointed to that office, the first assistant physicianship.

Q. Was Nellie Marsh there as a physician while you were there? A. She was not.

Q. She was not there? A. She lived at the house, but she was not officially connected.

Q. Was she afterwards physician there? A. She was not.

Q. Or had she been before? A. Not while I was there.

Q. Now, I want you to tell us, doctor, — give us an idea of the routine of your duties while you were there as physician? A. In a general way, my duties were, — after breakfast to go to the dispensary and dispense medicine to the out patients; and after that work was completed I made my regular rounds to the in patients. Our service changed every three months. I would have charge of the women's hospital for three months, and the lying-in hospital. I can't say exactly the limit of my labors the first three months we were there. We alternated; and, in a general way, I had charge of the female department three months

and the charge of the male department for the succeeding three months, and then, in turn, resumed the original labors.

Q. Now, doctor, what was the condition of that institution, so far as you had an opportunity of examining it, in the various matters to which I will call your attention; as, for instance, take the beds and bedding at the hospital. A. They were as clean as any beds I ever saw in a hospital. I spent a year at the City Hospital in turn —

Q. In Boston? A. In Boston; and I was also at the Massachusetts General Hospital awhile, and the condition of the beds at Tewksbury compared favorably with those in the other two institutions.

Q. And you mean the entire beds, the ticks and the filling and the sheets? A. I mean everything.

Q. Everything,— pillows? A. Only I will say that the material was sometimes coarser at Tewksbury; yet it was clean and well kept.

Q. Now, in regard to the food for the hospital, what have you to say about that? A. The diet at the hospital was somewhat better than that of the institution proper.

Q. How did it compare with the diet in the Massachusetts General Hospital or the City Hospital? A. Very unfavorably.

Q. That is? A. It was restricted; it was coarse food, at the same time it was wholesome and well cooked; but the dietary list was small.

Q. Now, for instance, doctor, if you have in mind any illustration, any article of food which was in common use at the Massachusetts General Hospital or at the City Hospital in Boston, which you did not find at Tewksbury, I would like to have you mention it? A. Broiled chicken.

Q. You didn't have those in the hospital in Tewksbury? A. No, sir.

Q. Fruit? A. I will say occasionally at Tewksbury there was fruit provided. In the fall and winter, when apples were plenty, the inmates and sick had some; but in a general way they went without fruit.

Q. How through the summer, in regard to vegetables; did they have vegetables? A. They had vegetables at the hospital, provided from the farm; and, I presume, vegetables came from outside; I don't know about that.

Q. Melons and such things as that? A. Melons, mush-

melons and watermelons, tomatoes and cucumbers, to those who were able to eat them.

Q. And does this also apply to the insane department of the institution? Was their diet the same as that of the general inmates? A. The diet of the sick insane was practically the same as that in the hospital; but that of the well insane,— that is, those who were physically well, able to work,— was the same as in the house, with the exception of butter, I think. I think the inmates of the insane department were furnished with butter.

Q. Well, now take the matter of delicacies, jellies of various kinds and varieties, to what extent did you find those at Tewksbury as compared with the Massachusetts and the City Hospital? A. You refer to the Tewksbury hospital?

Q. Yes. A. I don't think I ever saw anything of that kind at the hospital.

Q. In Tewksbury? A. Yes, sir.

Q. But you have at the Massachusetts General? A. I presume I have, but just at this moment I can't recall it.

Q. Are you able to recall with regard to the Boston City Hospital? A. Well, in regard to cranberry sauce, I am: as to jellies I am not positive.

Q. Now, who was your wife, doctor? A. She was Etta M. Davis.

Q. Etta M. Davis, the grand-daughter— A. The granddaughter of Captain Marsh.

Q. When did you first get acquainted with her? A. Shortly after entering the institution.

Q. How old was she at that time? A. Twenty-two.

Q. Recollect ever seeing her wear any silk dresses that came from any of the inmates? I suppose you used to notice her clothing when you first got acquainted with her? A. I don't think she ever wore anything belonging to an inmate.

Q. You took your meals with Captain Marsh's family? A. I did.

Q. And were you intimate in the family, doctor? A. Quite so.

Q. Did you ever see either any member of the Davis family, or any member of the Atwood family, or of Captain Marsh's family, or of any of the Marsh family, either of them, with any clothing belonging to the inmates? A. So far as I know, I never did.

Q. Did you ever see any inmate at the institution,— or, by

the way, were you in the habit of seeing them when they first came in? A. Quite often.

Q. Did you ever see any inmate at the institution who had any clothing that you think would be suitable for a person in that condition of life to wear? I can't recall any case; I don't think I ever did.

Q. Now, doctor, there has been an entry offered here of the Boston and Maine Railroad,— and I wish you would just turn to the 786th page of the printed record, at the bottom of the page, and examine that entry there which was testified as having been in the book at the Boston and Maine depot. A. As regards the merchandise and number of cases and trunks it is correct; I don't know about the weight.

Q. You don't know about the weight. Well, now, doctor, what was there in those trunks and cases? A. My personal effects.

Q. Personal effects; consisting of what? A. Books, clothing, instruments.

Q. Was there a thread of clothing that had ever belonged to the Commonwealth of Massachusetts, within your knowledge? A. No, sir.

Q. Was there a thread of clothing that had ever been the property of any inmate of that institution? A. No, sir.

Q. Was there any food, provisions, merchandise, or anything of that kind, that had ever been the property of the Commonwealth or of any inmate of that institution? A. The cases, I presume, were the property of the institution, once.

Q. Well, as to the contents? A. No.

Q. Did you ever, at any time, have any property of the Commonwealth, or any property of any inmate of that institution, for your own use, except in the line of your profession? A. Never.

Q. Did you ever send any barrels of clothing or anything else to Exeter? A. I never did.

Q. To the Atwood family, or the Davis family, or anybody else? A. No, sir.

Q. Did you ever know, while you were connected with the institution, of any member of the Marsh family sending any merchandise or property of the Commonwealth, or of any inmate, to Exeter? A. No, sir.

Q. To anybody? A. No, sir.

Q. I suppose your intimacy with Captain Marsh's family

was such that you had some opportunity for knowing what the ladies were doing? A. Yes, sir.

Q. Now, take the wife of Thomas Marsh, Jr., do you recollect what she was in the habit of doing while you were at the institution? A. She had charge of the sewing-room, I believe; cut out clothing for the inmates.

Q. Cut out clothing for inmates; and did she have charge of that department up to the time you left Tewksbury? I don't know whether from personal recollection you are able to say that she was, up to the time you left Tewksbury, continuously employed in doing that kind of work. A. Well, up to the time of my leaving there? I would say, as to her occupying that position up to the time I left there, I am unable to say. I know she did for a number of months.

Q. That is, you don't now recollect whether she had official connection with the institution. But how about the fact as to whether she did or did not work? A. She went there, I think, every day.

Q. Where was this sewing-room that you refer to? A. Back of the office.

Q. In the same building? A. In the same building.

Gov. Butler. We agree to that fact, that she went there every day.

Q. Now, do you know whether, as a matter of fact, she assumed or performed the duty of getting out the clothing every day? A. I don't know.

Q. Now, Dr. Putney, I want you to tell us in regard to the diet of the well people at that institution. Take the bread and other articles of food and how was it? A. The bread was as good as any that I ever ate. It was not as white as some, but the quality of it was excellent.

Q. How did it compare with the bread which you saw at the Boston City Hospital and the Massachusetts General Hospital? A. It was fully as good.

Q. Was it as white? A. I am unable to say. My impression is that it was not quite so white.

Gov. Butler. Let me see your book, Mr. Brown.

[Mr. Brown handed to the governor a bound copy of the evidence in the case.]

Gov. Butler. If these are going about I should like one.

Mr. Brown. I will have one bound for you. I had that one bound for myself.

Gov. Butler. Oh, you did.

The Chairman. I think that is the only edition.

Mr. Brown. I should be happy to present you with one.

Gov. Butler. Oh, there is nothing like having a rich treasury to go to to get things.

The Chairman. You refer to brother Brown, I suppose.

Mr. Brown. I expect you will recommend an appropriation for me when we get through. It is only on the strength of that that I did it.

Gov. Butler. It will be a large one; I can understand now why Tewksbury costs so much.

Q. (By Mr. Brown.) Now, Doctor, I want you to tell me, or tell this committee all the different particulars in which, in your judgment, there might be improvement made in the management or in the treatment of the people there at Tewksbury, sane or insane, foundling department, children's department and all. A. Well, in the first place I think it is entirely impracticable for a medical man to have charge of the whole institution. I think the medical department should be entirely distinct. The resident physician, the chief physician should be a man thoroughly interested in the work, one who will devote his whole time to the work. I think the nurses should be — I think there should be not less than three medical men connected with the institution. I was not prepared for this question and consequently I speak on the impulse of the moment; but I think the first assistant physician should be one thoroughly posted in the profession. I think it would be practicable for the second assistant physician to be an undergraduate, or perhaps it would be well to have two undergraduates appointed as the result of competitive examination, they to do the clinical work, keep the records, and not have any great amount of responsibility. Let the responsibility devolve upon the two M. D's, the two juniors being undergraduates. And I think the nurses should be intelligent, highly intelligent people, and that they should be well paid. I think the dietary list could be improved.

Q. In what way? A. Well, by a larger range.

Q. By the introduction of a larger number of articles of food? A. A larger number of articles of food. I think the clothing of the children might be finer and better — of a better quality.

Q. Such as what? A. Well, flannels in the first place.

But in the first place it would be impossible to carry out my ideas with the present appropriation.

Q. As a physician there you frequently visited the insane department, I assume? A. I did.

Q. Now, as to the number of attendants in the insane department, do you recollect how many there were when you went there? A. Not absolutely; seven or eight, I believe.

Q. How many persons were there in the department as inmates? A. Well, upwards of 225 or 250, I think. If I should recommend an increase in the number of attendants in the insane department, if the inmates are the same substantially as they were while I was there, I should not advocate an increase of more than two or three at the outside. They are harmless insane. It is very rare for an insane person, or for more than one or two to be troublesome at a time; while I was there, there was little or no trouble in restraining them.

Q. Do you recollect Mr. Dudley who testified as a witness? A. I do.

Q. Were you there while he was there? A. I was.

Q. Do you recollect Mr. Barker who testified here? Was he there while you were there? A. He was; he and his wife.

Q. Now, Doctor, I want you to tell me what was the bathing apparatus at that institution while you were there? A. There were four or five set tubs on the men's side — you mean the hospital department?

Q. No; I mean in the insane department? A. Well, as to the number I am not positive; but four or five set tubs, I think, upon the men's side.

Q. What material were those tubs? A. They were iron tubs, supplied with hot and cold water. On the female side, on the side occupied by females I think there were more tubs, possibly five or six, which were separated by a thin board partition — each one was inclosed.

Q. Now, Doctor, whether those individual bath-tubs in the insane department were there when you went to the institution? A. They were.

Q. When you first got there? A. They were not. No, I should take that back. There were two set-tubs, I think, and the so-called pool on the male side.

Q. That is, when you first went there? A. When I first went there. On the women's side I don't remember how they were.

Q. Do you remember whether there were individual bath-tubs on the women's side when you went there? A. There were. The number I don't remember.

Q. Now, at any time while you were connected with that institution did either Mr. Dudley or Mr. Barker call your attention to any acts of cruelty that had been committed by any of the attendants upon any inmates? A. I don't remember of any.

Q. Did you see them daily? A. I did.

Q. That is, did you see Dudley and Barker daily? A. I did.

Q. Never heard any complaint? A. Never.

Q. Did you know a Mr. French who was there with his wife; since deceased? A. Emmons French?

Q. Yes? A. Yes.

Q. How long was he there while you were there, according to your best recollection? A. Well, he was there probably six months. He died of diphtheria.

Q. He died at the institution? A. He died at the institution.

Q. Was his wife in the employ of the institution? A. She was.

Q. Do you recollect how long she remained there after he died? A. I don't remember the months.

Q. Did you ever hear?

Q. (By Gov. BUTLER.) What was her name, if you please? What was his wife's name? A. I don't remember her first name.

Q. Marcia A.? A. I don't know.

Gov. BUTLER. Well, that is the only French there is here of the female persuasion.

Q. (By Mr. BROWN.) You don't recollect her first name, do you? A. I do not.

Q. Do you know where she is now? A. I do not.

Q. Did you ever hear that she was married since the death of Mr. French? A. I have heard that she was since married and was in an institution at Washington.

Q. Did you hear whom she married? A. I don't know.

Q. Now, was there any complaint ever made to you at any time that this Mr. French had abused any inmate of the institution? A. Never.

Q. Was your attention ever called to any bruises upon any

person said to have been made by Mr. French or anybody else as an attendant — who was an attendant in the employ of the institution? A. I have an indistinct recollection of my attention being called to some purple spots on the body of a deceased person, and it was suggested by a bystander that it was the result of bruises; but it was not.

Q. Did you investigate it? A. I did.

Q. What was it the result of? A. Post-mortem changes; it is very common indeed.

Q. Now, who was that woman or that person? A. I don't remember; I don't recollect.

Q. Do you recollect of any other instance where your attention was called to purple spots? A. No; I don't remember of any cases, but they are constantly occurring. It is a very common thing on the outside for persons to make that change.

Q. Now, was your attention called to any such charges while you were there? A. Never, only in an informal way at the side of the deceased.

Q. And did you investigate all those cases? A. I did, all they needed to be investigated.

Q. Whether you ever found any foundation for the statement? A. I never did. I will say that I never saw any abuses, whatever, on the part of attendants while I was at the institution.

Q. Never heard of any? A. Never heard of any.

Q. Now, Doctor, do you recollect while you were there whether there were any women in the insane department who had to be locked up in rooms to prevent them injuring themselves or others? A. I have heard there were such cases, but I never saw them. — Oh, I will retract that. I have seen a number of cases of women confined in private rooms because of their violence.

Q. Well, now, how frequently did you visit those cases while you were there? A. I had charge of the insane department every day.

Q. When would you be likely to have charge of the insane department? A. I had charge; but I don't think,—I know I didn't have charge of the insane department in full but about three months while I was there. I took charge of them for the purpose of examining them. It was an extra duty assigned to me to examine the women, examine their chest and lungs with the object of making a report.

Q. When was that? A. That was, I think, in July, 1878; during warm weather. The annual report of that year will show. I saw them frequently while I was making the examination, I think.

Q. Now, Doctor, what, if any uncleanliness, did you ever see in the insane department of the institution? State it as fully as you can. A. Well, I will say that while I was examining these patients I had ample opportunity to see their clothing, and there was not a single instance where the clothing was dirty.

Q. Did you examine those in confinement for the purpose which you have named, those who were under restraint in these rooms, just the same as you did the others? A. I did.

Q. Well, how about those persons? A. Well, my first statement covers the ground.

Q. Now, were there any insane persons in the department while you were there who were in that condition, bodily and mentally, — physically and mentally, — where they didn't have proper regard for the proprieties of life? A. Yes; there were cases.

Q. Now, what means were taken to keep those people cleanly? A. Well, they were watched by the attendants more; the watch was more vigilant over them than over others, and as soon as they were soiled, or as soon as their condition was discovered they were taken to the bath-room and cleaned and their clothing changed.

Q. I have already asked you in regard to these rooms, Doctor. Did these rooms constitute a part of the main hall of the building? A. Yes, sir. They were built in after I went there.

Q. How are they separated from the main hall of the building — that is, the insane department? A. By a plaster partition.

Q. Whether or not there are open spaces over the doors? A. There is a transom over each door.

Q. How wide is it, — how high, about? A. I cannot say positively; but I should say six or eight inches, at the least.

Q. What is it covered with? A. A wire screen.

Q. Is there any swinging-window or door there, so that it can be completely shut? A. I don't remember.

Q. At the time when you were there, were there any water-closets; or had the water-closets been built on the back side of

the insane department building? A. They were built after I went there.

Q. What time were they built? A. I cannot say.

Q. Well, can you recollect whether they were built after you had been there a long time, or soon after you got there? A. The first ones, I think, were built inside of the first year.

Q. Where were they built? A. I think they were first built on the women's side.

Q. Prior to the building of those water-closets, what had been the practice in regard to those matters? A. Why, the ordinary privy was within the building.

Q. (By Gov. Butler.) Where? A. Within the building.

Q. (By Mr. Brown.) How was that kept in a proper sanitary condition? A. It was thoroughly washed. I don't know how often, but I presume every day. As clean as it was possible to keep it.

Q. Now, did you ever notice any smell from that institution? A. Yes, sir; I never saw an institution that had not odor.

Gov. Butler. Leave out those; we won't examine those.

Mr. Brown. I mean from the privies used for water-closets.

Gov. Butler. Confine yourself at present, Doctor, to this institution. We cannot examine the others now.

The Witness. I don't remember the odor, but it is very likely there was one. I will say that they were kept as clean as it was possible to keep them. Loam was carted and dumped onto the accumulations, I don't know how often; I know it was done more than once a week, and possibly oftener, — possibly every day.

Q. Did you ever have charge, or were you ever required to superintend the bathing of inmates in the insane department? A. Never.

Q. Were you ever present when it was going on? A. I have been.

Q. Did you ever know or hear —

Gov. Butler. Present at the bathing of women insane.

Mr. Brown. Let him tell it.

The Witness. Not very likely.

Q. (By Mr. Brown.) Well, you never were present at the bathing in the women of the insane department? A. No, sir.

Q. In the male department, did you ever know of people being put into the bath, — of excrement being upon the water,

and people being compelled to go into the bath with excrement on the water? A. I never saw anything of that kind.

Q. Did you ever hear of anything of that kind? A. I never did.

Q. Did any person ever complain to you that such a thing was required of them? A. Never.

Q. It never came to you in any form? A. No, sir.

Q. Do you recollect, and did you have frequent occasion to call at the foundling hospital? A. I had charge of the foundling hospital part of my time.

Q. (By Gov. Butler.) What part — the first? A. I don't remember when I first went there. During my stay at the institution I had charge of it probably half of the time.

Q. Now, Doctor, I want you to tell us what was the condition of the foundling hospital? A. Most of the time it was overcrowded, but it was kept as clean as soap and water and scrubbing could make it. The clothing of the children was necessarily coarse. There was no fine linen, no blankets, such as we find outside. The attendants were necessarily taken from the inmates, because — I suppose the cause will be told by others better than I can state it — I suppose it was they were short of attendants, and had to draw upon the inmates.

Q. That is what I was coming to. Now, Doctor, during the time that you had charge of the foundling hospital, was there ever, in your judgment, a sufficient number of trained nurses? A. Never. There never was a trained nurse in charge of the foundling department while I was there; not what we call educated in the training school.

Q. What were the qualifications of those nurses who were there? A. The nurse who had charge of the department when I entered was very kindly disposed. She took an interest in her work, and I think was conscientious in her duty. Some days I would spend four or five hours there. The moment I passed out, the inmate attendants, if it was a possible thing, would neglect their duty. It was impossible to keep them up to their work.

Q. Did you ever call the attention of any officer of the institution to that thing? A. Repeatedly.

Q. And to whom? A. To Dr. Lathrop.

Q. And to who else? A. To the superintendent.

Q. To Captain Marsh? A. To Captain Marsh. I don't remember, but I presume I mentioned it in a general way to all

with whom I was associated, that I thought the attendance was inadequate.

Q. Do you recollect a person by the name of Agnes Calder? A. I do.

Q. What was her position? A. When I entered the institution she was a nurse in the hospital. I don't remember whether she was chief nurse: I think she was night nurse.

Q. Well, what were her qualifications as a nurse? A. She was there such a short time that I cannot say much concerning her qualifications. It was my impression at the time that she was wholly unqualified for her work.

Q. Could she read or write, that you recollect? A. I don't know. It was told me at the time that she could not, and that whatever instructions were given her she had to remember.

Q. Now, if any uncleanliness existed, which came to your knowledge, in that foundling hospital, I want you to tell us what it was. A. Any what, sir?

Q. Any uncleanliness, untidiness, either of the clothing or on the beds. A. There was nothing that was not immediately attended to as soon as it was discovered. The napkins, as fast as they were taken from the children, were thrown outside into a receptacle, a wooden box, I believe, with a cover.

Q. Now, Doctor, while they were properly attended to, was there any smell? A. No more than was absolutely unavoidable.

Q. Now, Doctor, I want you to tell me what percentage of the inmates of that institution, that foundling hospital, were diseased, apparently, from birth.

Gov. Butler. I suppose the doctor has some reports upon that matter.

Mr. Brown. I don't know, I am sure. If he has any I should like to have him produce them.

Gov. Butler. So should I.

The Witness. Well, sir, I cannot give any figures; it is impossible.

Q. Did you ever make any? A. It was necessary to make a diagnosis with the death certificate, always.

Gov. Butler. I don't understand that exactly. I suppose I ought to. When it was necessary to make diagnosis. Was it not necessary to make diagnosis of any person who was congenitally diseased in order to treat them?

Mr. Brown. I understand that he did that.

The WITNESS. I did always, in every case. But I say I cannot give figures.

Q. Whether they are preserved? A. They are all preserved on the stub of the book. I don't know where the book is — the hospital book.

Mr. BROWN. That book, I presume, is here somewhere.

The WITNESS. It is a book about that shape. [Indicating.]

Gov. BUTLER. There are quite a number of hospital books here.

Mr. BROWN. Then, Governor, with your permission, I will suspend this part of the examination, and let the doctor see if he can find these books.

Gov. BUTLER. I will ask him after I get through the examination to produce those books.

Q. Tell me about the food of these children. What care and attention was given to the matter of their food. A. When I went there they were fed with diluted cow's milk, and great care was taken in selecting the cows and in preparing the food, and in cleaning every article used.

Q. Why diluted cow's milk? A. Well, it was diluted according to the age of the children. The younger the child the more water there was used.

Q. Why? A. Because it was impossible for the child's stomach to digest so much caseine as is contained in undiluted cow's milk.

Q. Why not? Give us the why and the wherefore about it. A. Will you please repeat the question?

Q. I want to know why this cow's milk was diluted? A. Because the caseine of the cow's milk, in that concentrated form, was too rich; it was impossible for the stomach — for the digestive organs—of the child to digest it.

Q. Now, is that a common thing, to dilute cow's milk for a baby? A. It is very common. Probably more diluted cow's milk is given to bottle-fed children than any other food, although the practice of using prepared foods is largely in favor now, and I dare say it may, in time, almost entirely supplant diluted cow's milk. And after I was —

Q. I was going to ask: Were there any prepared foods, such as Horlick's infant food, used there? A. After I was satisfied that diluted cow's milk was not good, or found I was unsuccessful with it alone, we used barley-water to mix with the milk, according to their ages. Great care was used in prepar-

ing it, and for a while it seemed to work well. At one time — when I cannot say—we had, I think, very few foundlings in the department, and that was given with success. We could isolate them, and put them into different corners, and, it being in summer, the air was very good. And those children, under that diet, lived longer than the average, and they gradually grew older, but when they reached a certain number, away they went. That is to say, sickened and died.

Q. That is to say, when the institution was overcrowded? A. Overcrowded; and, at the same time, there were not enough attendants when we began.

Q. I want to ask you if you know Dr. Dixwell? A. Before leaving this point, I will say, that after using that preparation with some success, I used Mellin's food, and I had more success with that than with any other.

Q. What is that? A. I cannot give you the exact combination, but it is similar to Horlick's food. Horlick and Mellin used to be associated together, and, I presume, it is the same formula.

Q. Did you know Dr. Dixwell? A. I did know him by sight, but I don't know as I should know him now.

Q. I simply want to ask you this question: Whether, within your knowledge, when you were connected with the institution, Dr. Dixwell sent any babies there for treatment? A. I don't know.

Q. That is, you have no personal knowledge? A. No. I saw a great many of the foundlings as they entered, and I will say, that some of them came from the western part of the State, and the bottles with which they were provided, were filled with sour milk,—cheesey milk. They were attacked, probably, on the way, with acute dyspepsia or cholera infantum, and after stopping in the institution a day or two, they died, and the institution got the credit of killing them.

Q. Now, I want you to recall, Doctor, whether you ever knew any skimmed milk to be fed to the babies at that institution? A. Not while I was there.

Gov. Butler. Cream?

Mr. Brown. Agnes Calder says that they always fed them with skimmed milk. You will find it on page 281.

Gov. Butler. I know all about that.

The Witness. Even if they did —

Gov. Butler. That is not the question. The question is,

whether they did. You need not account for it, if they didn't do it.

The WITNESS. They didn't; but it is not bad treatment.

Q. Well, now, is skimmed milk an improper thing to give a baby? A. It is not.

Q. And under what circumstances would you consider it good food for a baby? A. When a child had taken on too much fat, after using undiluted milk.

Gov. BUTLER. Yes; I should think it would. I am with you there. It is a good thing to starve a child on.

Q. Now, Doctor, you say you cannot tell the percentage of those children that appeared to have been diseased from their birth: whether it was a common thing for children to be sent to the institution, or to be received at the institution, who were diseased?

Gov. BUTLER. Now, as we are going to have the record, if we can find it, why spend time over that? If we can find the book, we can find the exact figures; and why trouble the doctor about something he don't think he can remember.

Mr. BROWN. Well, I will suspend that.

Q. Now, Doctor, outside of the foundling hospital, there was another hospital for children and babies, was there not? A. Yes, sir.

Q. Where was that? A. That was in the main building. There were two nurseries, and they were in charge of old women, or such persons as were unable to be occupied elsewhere.

Q. Excuse me a moment; but I meant to have asked you what number of babies do you recollect to have been there at the institution at the time when you thought it was overcrowded, — that is, of foundlings?

Gov. BUTLER. Well, there ought to be a record of that.

Mr. BROWN. Yes, but I just wanted to call his attention to it generally.

The WITNESS. The largest number I had charge of at any one time was sixteen or seventeen, in one room, a room containing perhaps 2,500 cubic feet.

Q. Now, did that include all the foundlings? A. Yes, at that time.

Q. Now, how many attendants were there to those foundlings, salaried and unsalaried? A. Possibly five when there were sixteen or seventeen.

Q. How many should there have been in your judgment? A. Well, not less than eight.

Q. That is an attendant to two children? A. One to two children.

Q. What proportion, considering the material you had to deal with there — what proportion of those attendants, in your judgment, should have been skilled nurses? A. Well, there should have been surely one in the daytime and one at night. I should say the best nurse should be employed nights.

Q. Now, go to the other hospital for children? A. There was no hospital for children proper, aside from the foundling. The sick children were confined in the general hospital, but they were isolated as much as possible. There was a small room containing four or five beds, and into that they were put, and in one end of the hospital when the smaller room was overcrowded.

Q. Now, what was the condition of those children? A. Well, constitutionally?

Q. No, I mean as they appeared there in the hospital? A. Why, they appeared like other sick, like sick children elsewhere.

Q. Were they sick, most of them.— the children that came from outside, the foundlings?

Gov. Butler. They might not have been brought there.

Mr. Brown. That were received — all of the children received there, born there, any way they got there, how were they aside from the foundlings?

The Witness. I think they were of a superior kind constitutionally.

Q. Constitutionally? A. Yes, sir. Because a great many women who were delivered there were married women. I remember a number of cases of women whose husbands were off at sea, or were away from home, and the women were unable to maintain their households, and consequently were sent there.

Q. Now, if any difficulty existed in the care and rearing of those children that were not foundlings, that were born there or were brought there when they were babies, just tell us what it was? A. I don't know of any. Oh, I beg your pardon —

Q. Children that were not foundlings that were either born there or brought there when they were infants — if there was difficulty that existed in regard to them just tell us what it was?

Gov. Butler. Any difficulty about raising them.

Mr. Brown. Yes, sir; in raising them.

The WITNESS. Well, I think the chief difficulty was lack of care and attention.

Q. Well, now, supposing there was a mother there with her baby, would that be sufficient care? A. A mother with her baby? The mother might be obliged to leave the child in charge of the head nurse, and go to work. In fact it was so, because they were so short of help they had to use mothers.

Q. (By Gov. BUTLER.) Let us see if I understand that. A mother would come with a child, and the child would be put in this place prepared for it, and then the mother would work at other work? A. Work at other work in the laundry or about the house. But she would have proper access to the child as often as it was necessary.

Q. What? A. She went to the child as often as necessary.

Q. (By Mr. BROWN.) Now, as to the general result, do you recollect how the children that had mothers, the nursing children, got along? A. Oh, they did well.

Q. As a general thing? A. As well as children would anywhere else, under like circumstances.

Q. And were there any disadvantageous circumstances that you now recall in such cases? A. Sometimes four or five children would be left in charge of one woman; that, in summer, is not desirable.

Q. Now, as to the condition of this ward where these children were; was it clean? A. Perfectly clean; as clean as possible.

Q. Clothes clean? A. As clean as possible.

Q. Well, now, Doctor, you have visited, I suppose, while you were there, every part of the institution? A. I think so.

Q. Do you know of any part of that institution which during any period while you were there was uncleanly? A. No, sir, I cannot think of any place.

Q. Do you know of any inmate of that institution who after he came there and had the opportunity of being bathed and washed, that was uncleanly while you were there? A. I know that a great many came in there very filthy, and covered with vermin in some cases.

Gov. BUTLER. That is not an answer to the question.

Mr. BROWN. I mean afterward.

Gov. BUTLER. That is, after they had the benefit of the institution, was there a single uncleanly person?

The WITNESS. No, sir. I was going to say that a person

can be thoroughly cleansed, for the time being, whose hair is thoroughly matted as the result of irritation from the bite of vermin — all the living creatures may be removed, but his head won't be entirely clean until the scab is thrown off.

Gov. BUTLER. They won't be exactly cleanly until they are healed.

Q. Did you know Eva Bowen? A. I did not: that was before my time.

Mr. BROWN. Excuse me; that was before your time.

Cross-examination by Gov. Butler.

Q. Doctor, when did you graduate? A. I graduated in 1876. I was in the class of 1875, but entered the city hospital and graduated at the close of my services.

Q. You didn't graduate until 1876; what time in 1876? A. Why, at commencement. I don't remember the date, but it was in June.

Q. In June, 1876. Where did you go to practice after your graduation? A. I went to Tewksbury.

Q. When did you go to Tewksbury? A. About the middle of July following my graduation.

Q. Were you then appointed there to any position? A. I was.

Q. And paid, I suppose, were you? A. I was.

Q. And receipted on the pay-roll for your pay? A. Yes, sir.

Q. Where did you graduate? A. At Harvard.

Q. What was your age then, Doctor? A. Thirty.

Q. You were then thirty, in 1876. What had been your occupation before you went into Harvard? You were there three years or four. It took you an extra year to graduate? A. Yes, sir.

Q. Before you went into Harvard, what had been your occupation? A. Well, just before going to Harvard, I studied music; before that, I was in the jewelry business.

Q. And before that, at school? A. Yes.

Q. Then your occupation, if I get you right, has been school, then jewelry, then music, then Harvard, and then Tewksbury? A. Tewksbury.

Q. Were you put into the charge of this foundling hospital when you first got there? A. I don't remember whether I had charge of that the first three months.

Q. The first how long? A. The first three months. We changed every quarter.

Q. But you said most of the time while there you had charge of it? A. No; I said for about a year, I think, I had charge.

Q. Was that the first year? A. No; it was divided between the two years and four months.

Q. Two years and four months you were there. Do you remember what you did do when you first went there? A. I think I had charge of the female department.

Q. Well, now, Doctor, I suppose you had never seen a live or a dead baby, naked, up to the time you went there? A. A naked baby? Oh, yes, sir; I saw a great many.

Q. Where; in the jewelry business? A. While a student I had a number of obstetric cases, and while I was at the city hospital I had to do with several.

Q. You had a number of obstetric cases while a student. Where did you find those? A. Dispensary practice.

Q. And had you the sole charge of them? A. Some of them; most of them. By dispensary practice. I mean I attended women who were too poor to pay.

Q. What? A. By dispensary practice, I mean that I attended women who were not able to pay a physician.

Q. Those cases are given to students, and you were sent. They were sent to some institution to be dealt with? A. What say?

Q. They were sent to some institution to be dealt with? A. Who were?

Q. These women. A. I don't know.

Q. Where did you find them? A. I was sent to them by the physician in charge of the dispensary district.

Q. What district? A. Well, one case was on Commercial Street, at the North End

Q. I know; but what district? Who was this physician that sent you to operate on women who could not employ a physician? Who is he? A. Well, one of the dispensary physicians.

Q. What was his name? A. His name was Hall.

Q. What was he the dispensor of except unpractised students? A. I don't know.

Q. Well, what was he the dispensor of? What business had he to send around students to practice upon poor women? A. I never burdened myself with that, sir; I don't know.

Q. Don't know who he was, or who he was connected with? A. I said his name was Hall.

Q. What Hall? A. Well, he is dead.

Q. Well, that is fortunate. Where is his business? A. Somerset Street.

Q. What office was it, — a common office of a physician? A. He was a regular physician, a member of the Massachusetts Medical Society, and the authorities in charge of the dispensary thought he was a proper person to have charge of that district.

Q. Authorities in charge of what dispensary? A. I told you I didn't know. It included part of Commercial Street.

Q. How do you know the authorities, if you don't know the dispensary? How do you know the authorities thought he was the proper man to have charge, if you don't know what the dispensary was? A. I don't understand whether you want the number of the district.

Q. I want to know what the institution was who districted him? A. I don't know anything about it.

Q. Very well; then you won't tell me anything. Now, then, how many cases of that sort had you? How many poor women that could not get anybody else but you to operate on them? A. I don't remember.

Q. Two? A. I don't remember.

Q. Very well. Then, so far as your memory goes, you cannot remember that you had two obstetric cases. Where else did you have obstetric cases before you went to Tewksbury? A. At the city hospital.

Q. How long were you there? A. One year.

Q. That was before you graduated? A. Yes, sir.

Q. Did you have charge of those? A. I was *interne;* I had charge of them during the day.

Q. You had charge of them during the day? A. As house physician.

Q. On pay, or only doing it for practice sake? A. Board and washing — living, that is all.

Q. You were there one year and that was before you graduated. Now, did you have the delivery of these mothers? A. I did.

Q. All of them? A. There was only one case at the city hospital.

Q. Only had one case in a year. Now we have got three.

Now have you ever seen, while you were at Harvard College, a dead one, an infant? A. I never saw one in the dissecting-room, if that is what you mean.

Q. Where else did you see one? A. I never saw any there only in the hands of the professor or assistant professor of obstetrics.

Q. Was that a fresh baby or a baby that had been put in alcohol? A. I don't know.

Q. Don't you know enough to know the difference between a baby in alcohol and a baby that is not? A. If I get near enough to it.

Q. Well, but what was he doing; was he demonstrating from it? A. He didn't say how it was pickled or whether it had been pickled.

Q. Was he demonstrating from it? A. He was.

Q. Were you near enough to see it so as to follow the demonstration? I suppose you were or else it would not have done you much good? A. Yes, sir.

Q. Now, can't you tell whether he was demonstrating from a recently dissected baby or from a baby that had been recently dead? A. Recently dissected? Oh, the baby was whole; it had not been dissected.

Q. Had not been dissected. The baby was whole. Then you saw the outside of that baby? A. I did.

Q. And that makes the fourth baby the outside of which you have seen? A. Positively.

Q. Positively four. Now, then, you never saw but one of these. What did he demonstrate to the class on the outside of that baby? A. He showed the relation of the mother's parts to the child in the different stages of labor.

Q. That is to say, he showed how it would be in a given portion at any time during the labor, or how it might be? A. Yes, sir.

Q. And that is all. You never dissected one? A. I did at Tewksbury.

Q. You dissected one at Tewksbury? A. That is, by dissection do you mean to perform a post mortem examination?

Q. No, sir. A. Well, then, I never dissected a baby.

Q. Very well. Now we will come to that. How many did you dissect at Tewksbury for a post mortem examination? A. Well, when I had charge of the foundlings I dissected. I cannot

say how many for that purpose; I would say I performed a post mortem examination to determine the cause of death.

Q. How many? A. I cannot give you the exact number.

Q. Guess, then. A. I would say ten.

Q. You would say ten? A. Ten post mortem examinations for the purpose of ascertaining the cause of death.

Q. Suppose a baby had starved to death how would a post mortem determine that? A. We could determine that by both external and internal appearances.

Q. Well, for the external appearances you would not have to do much post mortem dissection. How would you determine that by internal appearances? A. Well, the internal organs would be pale; but the chief point, or the point most relied upon would be the intestines, which would be empty or nearly so.

Q. Did you dissect any for that purpose? A. I did.

Q. What made you believe that any of your infants had been starved to death? A. Not for that purpose.

Q. Precisely. No, you never did. You want to take that back. I thought so? A. I will answer that question in this way, Governor; every intestine that I opened contained an abundance of fœcal matter which would prove positively that they did not die from starvation.

Q. Now, were you so much in doubt that you looked into the intestines? A. Yes, sir; I knew about it. There is a condition —

Q. Stop a moment, and let us understand where we are going, so you won't have to take anything back. You were in doubt whether a given baby had starved to death and therefore you looked to see if there was plenty of fœcal matter in the intestines? A. No, sir; that is not the way to put it.

Q. Why were you looking for that matter? A. I was about to add to what I said, that a child may die of starvation and fœcal matter be found in the intestines. That is due to marasmus. Therefore, to find fœcal matter in a child that died would not alone positively prove that it did not die of starvation. There is a condition of things known as marasmus or mal-nutrition where a child may take a quart or two of any liquid in twenty-four hours and it would not do any good because of a perverted condition of the absorbents.

Q. And they would throw it up? A. Sometimes the other way.

Q. You went there and went to work. Was Helen Marsh there at any time when you were there? A. She was.

Q. As a physician? A. No connection with the institution.

Q. Not at all? A. Not as a physician.

Q. What was she doing? A. She was living there.

Q. I know she lived there, but what was she doing there? A. I don't know as I can particularize.

Q. Did she do anything? A. She attended to her own business.

Q. What was that business? A. I don't know.

Q. Then you were not in the business enough with the Marsh family to know that? You would not be likely to know what dresses she wore, whether inmates' dresses or others? Now, you went there in 1876, you say, in July. Let us see; I have the auditor's report here. Now, was Nichols there as a physician when you were there? A. He was not.

Q. Lathrop was? A. Lothrop was.

Q. Helen M. Marsh was not. Very well; was Whittaker there as a physician? A. He was not while I was there.

Q. He had left in May, hadn't he? A. I never heard anything about it.

Q. There was a Helen M. and a Helen E. Marsh, wasn't there? A. Helen M.; I don't know the middle name of the other.

Q. There was another Helen? A. Yes.

Q. Who was the other Helen? A. The wife of Thomas J. Marsh, Jr.

Q. She was the woman that was so philanthropic and hadn't anything to do. Now, I find in 1876, and I want you to find it so you cannot be mistaken, that the force at the almshouse was Thomas J. Marsh, superintendent; Charles B. Marsh, clerk. Joseph D. Nichols was a physician up to October first and received $900 pay. Helen M. Marsh was assistant physician and received $800 pay, and James Whittaker was physician for the insane up to May first, and he only got $500.

Mr. Brown. What book are you reading from?

Gov. Butler. It is under the date of 1876 on the inside, I don't know how it is on the out. The inside to me is generally the best part of the book. Helen E. Marsh was matron. And now, perhaps, I have got the wrong year and I will take the next one. This is March 1877, and 1876 on the outside.

Mr. Brown. That is the fiscal year.

Gov. Butler. Now, we have William H. Lathrop, physician, $1,500; Helen M. Marsh, assistant physician $436; George E. Putney, assistant physician, E. Q. Marston, $241; Charles B. Marsh was clerk, N. F. Marsh was matron, and Helen E. Marsh was another one. She was Thomas's wife. And Martha B. Marsh, — who was she? You must have known her, because you say she didn't have any inmates' dresses on, — just sworn to it. A. Are you asking me a question?

Q. Yes; who is Martha B. Marsh? A. She is sister to Capt. Marsh's wife.

Q. She is sister to Capt. Marsh's wife? Whew! Was Capt. Marsh's wife a Marsh before she was married? A. I suppose that is not impossible.

Q. Oh, no; it is not impossible, but it is a little unusual. A. It happens that two brothers married two sisters in this case.

Q. Well, in this case, she was aunt of the younger people. Well, then, she was there, and Helen E. Marsh, and Martha B. Marsh, and N. F. Marsh, and Charles B. Marsh, and Helen M. Marsh, and Tom J. Marsh, and Tom J. Marsh, Jr., were all there; and everything was very clean. A. I have so testified.

Q. Then they had help enough there, insane and sane, pauper and hired, to keep everything very clean, didn't they? A. Yes, sir.

Q. But they hadn't help enough to keep the babies very well. That is the condition of things at that concern, was it? A. That is my opinion.

Q. Plenty of help for cleanliness, but not enough to keep the babies alive. That was the exact condition, as you now put it, is it not? A. Yes; I should say so.

Q. Everything and everybody was exceedingly clean, but the babies were dying, 95 out of 100, were they not? A. I don't know the figures. I know they were dying, regardless of what we did for them.

Q. But I understand everything was scrupulously clean. A. I have said so.

Q. And the babies were superfluously dying? A. They were what?

Q. Superfluously dying. A. I didn't understand the application of that word superfluously.

Q. Well, some more than ought to? A. Yes,

Q. And that continued during the two years you were there? A. It did; yes, sir.

Q. And you won't say that they were not dying at the rate of 95 out of 100? A. No, sir; I have not burdened myself with the figures.

Q. I wish you would get the exact figures and also the diagnoses of the diseased, those that were congenitally diseased, born with disease. Because I had supposed there was no very large proportion of those, even when one parent might be diseased; therefore I want you to look that over — the books are all down in the committee-room — and tell me to-morrow morning. Now, we will go to this matter. Whether it was for better or worse, when you got there, were they making butter from the cows of the institution? A. I never saw a pound of butter made there while I was connected with the institution.

Q. Well, without seeing a pound of butter made — A. So far as I know there was none made there.

Q. You don't understand. Did you understand that there had been before, and that the practice had ceased? A. I don't know.

Q. Did you understand the practice ceased afterwards, any way, or while you were there? A. All I know is that they were not making butter while I was connected with the institution. What happened before or since I know nothing about.

Q. Very well. Do you think it is best to dilute the milk by skimming, — to reduce the strength of the milk by skimming,— to let the cream all rise from it, and then skim it before it is fed to a baby? A. I cannot say yes or no to that question, because circumstances alter cases.

Q. Well, give me a case where you think the best way is — or, perhaps, I may be all mistaken, and I will try to get right before I start. I had supposed that the most nutritive part of the milk was that which rose in the form of cream? A. The cream is the butter; it is fat almost exclusively.

Q. I understand; and there is a prejudice against having it in the milk in the community? A. There is.

Q. But the thing I ask you is not what cream is, because I had some once, but whether that is the most nutritive part of the milk? A. No, sir. The caseine is the most nutritious.

Q. That is, the cheese of it? A. Yes, sir; the nitrogenous matter.

Q. Then, if I understand you, skimmed milk cheese is better than the other kind for nutriment? A. No, sir.

Q. Why not; that is all caseine, is it not? A. That is all caseine.

Q. Skimmed milk cheese is all caseine, the cheese part of the milk; and there is a prejudice that skimmed milk is not as good as the other kind for nutriment? A. Nobody would dispute you on that point.

Q. Now, you think to take out the nutritive part for infants would be better? A. In some cases it would.

Q. Give me a case where you think — not where you dilute milk by using only cow's milk and putting in a little warm water, and possibly a little sugar and sometimes a little arrow-root — you know I have brought up children. A. You didn't do right when you put in the arrow-root.

Q. Are you sure? A. Yes, sir.

Q. Well, they have lived and grown nicely. Now, possibly a little of that put in at different times to make food for the children.— what do you say; do you think it is best to skim the milk before you dilute it in any case? A. In some cases: yes, sir; but I never did that, though.

Q. Then you never did what you thought best? A. No, sir; that is not the way to put it. I never had a case where I thought it was necessary to skim the milk.

Q. Why not? Was not that because you thought it best unskimmed? A. I give very little diluted milk to babies. I give them other preparations.

Q. Give very little what? A. Diluted milk.

Q. Oh, I thought you gave diluted milk all the time, from your testimony in chief, and now you say you never give any? A. I don't know how you got that impression, sir.

Q. I so understood, that the milk was diluted all the time. Pardon me, but didn't you testify so? That, as a rule—cow's milk, as a rule, was too strong for babies' stomachs, and that their digestive organs would not digest it? A. I did. I said when I first went to Tewksbury I gave diluted milk, until I found it didn't work, and I say that in private practice I give less diluted milk than I do of other preparations.

Q. In private practice you give less diluted milk than you did at Tewksbury where you had so many under your charge? A. Yes, sir.

Q. Because in private practice you generally have milk enough,

but at Tewksbury, if it hadn't been diluted, it would not have gone around, would it? A. I never saw any lack of milk there.

Q. Diluted? A. Any kind.

Q. Very well. Now, then, you find that when you were at Tewksbury you didn't know how to take care of a baby, don't you? A. No, sir; I don't.

Q. What? A. Don't find any such thing.

Q. But you find now, since you have been in private practice, that you want to do it differently? A. I said in the opening part of my testimony that a great many preparations of infant food have come up, and that they are superior to diluted milk, and hence it is supplanting it; and that is why I use more of it now than I did formerly.

Q. Now, then, you say the largest number of foundlings you had there at any one time was seventeen? A. To my best recollection.

Q. The largest number of deliveries there was how many? A. While I was there, I think —

Q. In those two years? A. I cannot give the exact figures, but perhaps seventy — sixty or seventy.

Q. Sixty or seventy deliveries? A. Possibly more or less.

Q. Possibly more. And you had eighteen foundlings in a room about how large? A. Well, I have said it contained about twenty-five hundred cubic feet, according to the best of my recollection.

Q. Well, that room might be all tall and no wide. I want to know about what was the extent of the floor? A. Oh, I should say —

Q. Seventeen babies and how much floor room? A. Well, perhaps, twenty feet square. I may be entirely wrong; I have not been into the room for a long time.

Gov. Butler. [To Mr. Brown.] Have you got that plan? You could tell us about that room if we had the plan?

The Witness. I know the room was enlarged, and I don't recollect the size of it before enlargement.

Q. Now, I want to go to your idea about space. I suppose you never measured it? A. No, I never measured it.

Q. Very well, then; tell us how long this room is, in your judgment? A. I should say about fifty feet.

Q. Then the room was one-third, more then one-third as large as this room on the floor, was it? A. No; oh, no.

Q. Why, not, if it was twenty feet square? [Map produced.]

Q. Can't you tell which room you operated in for two years? A. Yes, I can if I study the map awhile.

Gov. BUTLER. They put poor Dudley on the stand to testify where he was without having any institution people to point it out. [To Mr. Brown.] What is the scale of this map?

Mr. BROWN. Twenty feet to the inch.

The WITNESS. Well, it was about twenty feet by thirty feet.

Q. About how high; ten feet? A. Well, I have got the cubic feet too small in number; I see what you want. I should say it was about seven or eight feet high. That would make it more than 2,500 cubic feet.

Q. Pardon me, I am not wanting anything but the size of the room. I want to have an understanding between you and me, Doctor. I don't mean you shall find out what I want. Very often, if you answer a question upon that basis, you will get into trouble. You had better tell the truth, and then you will find out very rapidly. Now, what I want I don't always make known. My primary object is the truth, but I have various ways of getting at it. Now, answer me. Now, then, those seventeen infants were in that room, you think, that was not more than eight feet high. Was it not nine feet high? A. I don't know how high it was.

Q. It might have been ten feet for aught you know. Very well. How many windows had it? A. I don't remember.

Q. Had it windows on all sides of it? A. It had windows on three sides.

Q. On two sides? A. On three sides.

Q. An open space out in the open air? A. Yes, sir; a clear space.

Q. Any difficulty in ventilating such a room as that for eighteen infants? A. Yes, sir.

Q. What was the difficulty? A. Well, there was one ventilator in the centre, but that was inadequate. There was no other ventilator, and no other means except to open the doors.

Q. Were the windows closed? A. No other way except to open the doors and windows.

Q. How many children in this world do you think are brought up without any ventilation except doors and windows? All yours were. I don't know as you have got any; but all

mine were. Do you know of any considerable number of children outside of public institutions, in your private practice, where they have other ventilation than doors and windows? A. Some of them.

Q. What proportion? A. I cannot say on the impulse of the moment.

Q. Well, was there a chimney in this room with a fire-place? A. There was no fire-place.

Q. Was there an opening into the chimney? A. Yes, into which the funnel ran.

Q. Now, do you mean to tell me that you believe these children died for want of ventilation? A. I don't know.

Q. What! a graduate of Harvard; a member of the Massachusetts Medical Society; thirty years old when you began to practice; in charge of infants which are dying at an enormous rate, and you cannot tell the committee whether they died for want of ventilation or not? A. No; I could give my opinion.

Q. I want to know. Is it your opinion? A. My opinion is that that was one cause.

Q. Bad ventilation. Be it so. We will start with that. Bad ventilation, and plenty of good air out-doors. Now, what next do you think killed them? A. Well, their condition when they entered.

Q. The condition when they entered; that killed them? A. Some had been exposed to the weather, and came in with pneumonia; some contracted cholera infantum; others were constitutionally diseased; some caught cold while they were there, perhaps.

Q. No; they didn't catch cold, unless the windows were open for ventilation? A. Well, they were open.

Q. Now, cholera infantum, and some were exposed before they came. Now, did you keep any record of which were sick when they came? A. They were all considered to be sick when they entered.

Q. They were all entered as sick when they got there? A. I don't remember of receiving a healthy infant while I was there — a foundling.

Q. Never received a healthy foundling while you were there; and they were all entered as sick on your record, were they? A. They were considered sick.

Q. They were entered on your record as sick; I am on that now? A. They were; there was no word "sick" affixed.

Q. The word "diseased"? A. They were considered sick.

Q. Were they so entered that other people would find out that something was the matter with them by reading the entry of the patient? A. No; only that they were foundlings; all the rest was implied.

Q. Then a foundling is always sick? A. At that institution.

Q. I know; but if it goes there, when it gets there it is sick? A. I don't know. All that I ever saw were sick. All that I ever saw enter there were sick.

Q. Do you remember that good old lady that came there and brought one for you to take care of, and then came and removed it?

Mr. BROWN. That was later, Governor.

Gov. BUTLER. Later; no.

Mr. BROWN. In 1879, was it not?

Q. And every one was sick? A. According to the best of my recollection.

Q. That would be a convenient way to record them, Doctor, wouldn't it? Because if any of them lived, you would get the credit of it; and if any of them died, you could not help it? Now, then, they all did die, did they? A. I believe they did, all that I saw.

Q. All of them that you saw did die? Then you didn't get the credit of curing a single one. And about how many foundlings came into your hands while you were there? A. I cannot say.

Q. How many a year? There were eighty in there at one time, and they died pretty fast. You kept up your average pretty well. Now, how many foundlings came there? A. I don't know.

Q. Well, can you give me some idea, during the two years and four months you were there? A. No, sir, I cannot; because I didn't have charge of the department all the time.

Q. Well, during the time you had charge — you said you had charge most of the time — about how many foundlings came there or were sent there? A. I don't know. I might state a number which would be too many or too few.

Q. Well, in your best judgment? A. Well, for the sake of saying something, I will say thirty.

Q. Thirty in all? A. Yes, sir.

Q. No more? A. I don't know.

Q. Would you say there were not fifty? A. No, sir.

Q. How many did you have in all? A. I don't know; I know they ran from one or two up to seventeen or eighteen.

Q. Seventeen or eighteen. They all died. Well, it was just as well — then, so far as sending them there was concerned, it would have been just as well to have pinched their heads, and stopped the trouble earlier, wouldn't it, as a humane performance? Well, now, let us try it on the other hand; did you ever raise a single infant while you were there and get him up so as to get him into trowsers? A. I should call that rather a precocious child who wore pants when two years old.

Q. What? A. I never saw any.

Q. You never did? A. No, sir.

Q. Did you get him up so he could walk? A. No, sir.

Q. You never raised a child while you were there so he could walk, nor did the rest of all the lady and the other doctors, did they? A. I don't know.

Q. Do you know of one? A. No, sir.

Q. Well, then, you say there were about how many born there? A. I should say while I was there between fifty and sixty, more or less.

Q. Did they all die, too? A. They did not.

Q. What? A. No, sir.

Q. How many of those? A. I don't know.

Q. One? A. Yes.

Q. Two? A. Yes.

Q. Three? A. Yes.

Q. Four? A. Yes.

Q. Five? A. Yes.

Q. Six? A. Yes.

Q. Seven? A. Yes.

Q. Sure? A. Yes, sir.

Q. Two years old? A. I don't remember about that.

Q. Pardon me; did you raise one up to two years old? A. Do you mean born while I was there?

Q. Yes, sir. A. Seven — I would not go above seven; I am sure of six.

Q. You will swear to six, but seven bothers you. Now, you say their mothers were frequently those who came there because their husbands had gone away to sea, or had gone away and left them somewhere in a family way, and they had no other place to go, and they came there to have children,

a good many of them. Was not that the majority of them? A. I don't know. No; a good many of them were young girls.

Q. Who had been seduced by somebody? A. Perhaps so.

Q. Wasn't that so? At any rate, got with child. And they came there. Well, if that class was delivered there they must most of them have been pretty healthy children, were they not? A. I think for the most part they were.

Q. Well, they didn't get along much better being healthy than the others did that were not. The average was not much greater? A. I don't know any record to show that.

Q. What? A. I don't know of any record to show that, sir.

Q. I ask you? A. But I didn't have charge of them all the time.

Q. I know you didn't have charge all the time, but you did sometimes. Now, Doctor, let us try it in another form about these children. Who attended the delivery? A. I did, some of them.

Q. Generally? A. I attended, I think, thirty-five while I was there.

Q. Who attended at the rest? A. Other physicians; I don't know who; Dr. Lathrop and his second assistant.

Q. Then I understand there was another assistant there? A. Yes, sir.

Q. And you two assistants attended? A. Yes, sir; the assistants did most of the work.

Q. Now, while you were there, Doctor, attending the delivery of children, you knew what surgical instruments were in the institution, didn't you? A. I did.

Q. Was there any instrument to perform craniotomy while you were there? A. Well, there was no instrument made specially for that purpose.

Q. That was made to be used for that purpose, which should be found in a well-organized and complete physician's kit, if I may be allowed to use that expression? A. Well, there was no such instrument that I know of.

Q. There was no such instrument? A. No, sir.

Q. And that was during the time that you were there? Was there any tradition of one,— that there had ever been one? A. I never saw one.

Q. And never heard that there was one there? A. I did not.

Q. Have you one yourself now? A. I have not.

Q. I see one was bought directly after you left, according to the trustees' record. Now, sir, in your experience as a physician I want to know if you think it is good practice to use a rat-tail file and a screw-driver to perform craniotomy? A. I think, sir, that another instrument —

Q. Leave out others, and answer my question, if you please, or say you cannot; I don't care which. It becomes necessary in the judgment of the attending physician to perform craniotomy on the cranium of a child in the mother's womb. Do you think a rat-tail file and a screw-driver are the proper instruments for that purpose? Now, that is specific. A. If none others are available; I do.

Q. If you cannot get anything else. You might take a pot-augur and a corkscrew, perhaps, but I am asking whether they are suitable instruments? A. Yes, sir, if the physician has sufficient skill to use them without injuring the mother's parts.

Q. They are proper instruments? A. They are.

Q. And an institution with a large number of deliveries to be had, year by year, in your judgment is properly equipped for that purpose if it has a screw-driver and a rat-tail file? A. No, sir; I think it could be better equipped.

Q. Is it properly equipped? A. No, sir.

Q. It is not. You had been there two years and over before this happened and you knew there was not any there. Did you enter any complaint there for the want of proper equipment? A. I never did, not with regard to these instruments.

Q. Do you know of any complaint made by anybody else? A. No, sir.

Q. Did you know of the doctor's making any complaint about that? Then, if I understand you, here is an institution to which the unfortunate mothers, of all descriptions, of the Commonwealth are likely to be sent in great numbers, which had been running for over twenty years, and there was no proper instrument for that purpose, and no complaint of any of its physicians for the want of it, or attempt to get it, as far as you know. I wait for an answer. A. I don't understand that you put that in the form of a question.

Q. Pardon me, but all I speak to you is in the form of a question, except when I speak to you about your answer. Now, understand the question and answer it. There was an institution where all the unfortunate mothers, from poverty, or any

other reason, of the Commonwealth are likely to be sent or may be sent for delivery, which had been running over twenty years, which had not any instrument proper for that extraordinary operation, and you know of no equipment in that regard, nor no attempt by any surgeon to get any equipment in that regard? A. I know of no attempt.

Q. Very well. Now, then, Doctor, I assume — perhaps I will ask you what you think about it — in a case of labor, where there is protracted labor, is craniotomy a very uncommon necessity, or frequently a necessity? A. Well, it is not unfrequently a necessity.

Q. Now, Doctor, you said that other instruments were wanted there; what were they? A. Well, a microscope is the only instrument I ever asked for.

Q. You asked for a microscope; for what purpose; to look into and see if you could find food in the infants' stomachs? A. The gross appearances generally show that.

Q. Well, what did you want it for? A. For clinical work. To examine urine, for instance.

Q. To make necessary examinations? A. Yes, sir.

Q. That was not there. Did you ask for that? A. I told the head physician that I thought we ought to have one.

Q. A microscope. That is a very necessary thing for making examinations in cases of Bright's disease, and matters of that sort, is it not? Well, did you get one? A. They have one there now.

Q. Did it come in your time? A. No.

Q. They have one there now, but had been running all that time and nobody thought of that. Now, I want you to explain to me, if you can,— you went there in 1876. Where was Helen M. Marsh that summer? A. When I went to Tewksbury?

Q. Yes. A. I think she was there when I entered the institution. She went abroad shortly after.

Q. How long was she gone abroad? A. I don't know; I think about a year.

Q. Now, Doctor, what other relative — I find her name here as a physician that year. A. That was previous to my going there.

Q. Previous to your going there. Did you take her place? A. I don't know whether I took her place or not; I know she was not physician while I was one; while I was there as a physician.

Q. What? A. She was not physician there.

Q. Well, had she charge of these foundlings and babies before? A. I don't know.

Q. Now, do you know—she went away—whether she went there to study her profession? A. I presume so.

Q. Now, I want to get at — were there any other relatives of the Marsh family there, except yourself, by name? A. I don't remember of any.

Q. Why, yes, you do, — that were there. A. I don't remember how many you know.

Q. Except by name — the Marsh name. A. My wife was there.

Q. She was doing nothing but living there? A. Living there.

Q. Taking music lessons? A. Yes, sir.

Q. Where did she take music lessons? A. In Boston.

Q. How long was she taking music lessons in Boston, and live there at the State's expense? A. I don't know, sir; between one and two years.

Q. And she left there, and went down every day and came back again? A. She had a season-ticket.

Q. She lived there, and took music lessons; lived in the family, and ate at your table. Well, now, about that table a little, where you lived; you had good living there, I trust? A. I thought it was very good; yes.

Q. Very good. I have no doubt about it. And there was the kitchen, — the officers' kitchen. What did they cook in that kitchen; without going over all the articles usually put upon the table? A. Why, they cooked the ordinary articles of food that were used.

Q. Well, cooked bread? A. Yes, I suppose so. I have seen batches of bread all cooked, but I never saw any made, — yes, I did; I saw some biscuits made there.

Q. What! Did they trouble themselves to do that? You testified that the general bakery bread was the best you ever saw. A. No, I didn't say that, sir; I said it was as good as any I ever saw in an institution.

Q. Well, this was an institution, was it not, and you were feeding in the institution? A. Bread may be good, and yet not —

Q. Well, the only thing you could compare with was you had been boarding in the city hospital for awhile, and at the

Massachusetts General Hospital. Was there any bad bread there? A. At Tewksbury?

Q. Yes. A. I presume so.

Q. I don't want to be too presumptive; I want to know. A. Do you mean sour bread?

Q. I mean bad bread; I don't care what made it bad. A. I don't remember any.

Q. That is to say, — I have no doubt you are correct there, Doctor. You didn't eat it, therefore you don't remember it. If you had eaten it, you would have remembered it, I have no doubt. A. Well, sir, if there was any bad bread, it would be just as likely to be in the Captain's kitchen as in the general bakery.

Q. Just the same; because the flour was the same, I suppose. A. I don't know.

Q. Well, then, if they had no better flour in the Captain's kitchen, why wouldn't they be just as likely to have bad bread? A. I think the bread was made by different persons.

Q. I understand; but they have better flour, and a different grade, in the Captain's kitchen? A. The graham bread we used in the Captain's kitchen was made in the general kitchen, I think, — brown bread and crackers.

Q. Now, let us see. They had brown bread every Sunday, didn't they, in the institution? A. Yes, sir.

Q. And beans? That made the food of one day, I suppose, for the inmates? A. The dinner; yes, sir.

Q. Didn't they have it for breakfast the same? A. I don't remember, sir; I think not.

Q. Now, they had quantities of peas and beans there? A. Yes, sir.

Q. And potatoes? A. And potatoes.

Q. Freely, I suppose? A. As many as anybody would eat. They had an abundant supply, I think, as long as it lasted.

Q. Now, Doctor, I would like to ask you, as a skilled person, to tell me how much solid meat the average well-fed person eats a day? A. How much solid meat?

Q. Yes; solid animal meat? A. Well, sir, I had rather not answer that question, because I am not prepared to, and I might get it more or less than the average.

Q. How much bread does the average person eat per day? A. I don't know.

Q. How much bread, good bread, made by a baker, — or anybody else, for that matter, — will one hundred pounds of flour make? A. I don't know.

Q. Won't it increase about thirty-three per cent., the weight of the bread over the flour? A. I don't know, sir; I am not prepared on that point.

Q. Well, about how much coffee do you think should be given, in hospital diet, to a convalescent in the hospital, — about how much? A. It depends upon the disease from which they are convalescing.

Q. Well, take a — A. Typhoid fever?

Q. Yes. A. Well, I should say an ounce of coffee a day.

Q. An ounce of coffee a day would be as much as they ought to have, and be a fair allowance. Well, we have been told by French Joe, yesterday, that he dealt out fifteen pounds of coffee, day and night, summer and winter, and that the hospital people got their coffee from the general average; and that there was sometimes as high as 1,080 people in the institution to partake of that coffee, besides the officers, if they drank from it, — the farmers in addition. That coffee must have been pretty weak, made out of that fifteen pounds, to go around, — fifteen pounds of coffee among 1,080 people? A. I should not give a person an ounce of coffee at a meal; I was thinking of two meals.

Q. Well, give him two meals. Very well, then, we will leave it there, if you want to alter it. They might be drinking all day if they chose, but it would be something less than a quarter of an ounce to a person, wouldn't it? A. Fifteen pounds to 1,080 people? I don't know. It is a matter of figures; I don't know.

Q. If it were a quarter of an ounce you would think it would be too little for a hospital patient, wouldn't you?

Mr. Brown. There were not 1,080 people in the hospital.

Gov. Butler. No, no, no; I don't understand there are; but French Joe has testified that the hospital people got their coffee just as the rest of them did, and it was made at the rate of fifteen pounds for the whole number; so that is all that the hospital people get.

Mr. Brown. But, supposing ninety per cent. of the hospital people don't have coffee.

Gov. Butler. But they do; he said so.

Mr. Brown. That is what has not been shown.

Gov. BUTLER. You look over that finely bound book of yours and you will find that the testimony is exactly as I stated.

Mr. BROWN. It is exactly as you put it, that coffee was sent from this place to the hospital, but there has been no evidence as to how many persons in the hospital drink of the coffee.

Gov. BUTLER. No; the mistake you make is this: it was sent to the hospital and the other people didn't have it.

Mr. BROWN. But there is no evidence as to how many of them in the hospital drank tea or coffee. There might be ten per. cent.

Gov. BUTLER. You don't get the point yet; there were fifteen pounds of coffee to be made for everybody, and what the hospital did get they got out of this coffee, which would be so weak that one of my witnesses, I remember, said it would hardly color the water.

Mr. BROWN. O'Brien.

Gov. BUTLER. What?

Mr. BROWN. O'Brien.

Gov. BUTLER. I am very glad it was, because it shows that he told the truth. I am quite content. I am trying to confirm O'Brien, you see.

Mr. BROWN. But there has been no evidence as to the number in the hospital that drink tea or coffee.

Gov. BUTLER. I am not saying there is, but who ever did get the coffee only got their aliquot part, their 1,080th part of fifteen pounds, and if there were only five hundred persons that wanted the coffee they would only get 500 aliquot parts, which would make the coffee no stronger.

Mr. BROWN. No, not at all; but you would want to change your figures.

Gov. BUTLER. Now, Doctor, let us go to another matter that you have been asked about. You have been asked about those packages that came down to your place. [To Mr. Brown.] Let me take your book again, please.

Mr. BROWN. You must not throw any more slang at that book if you are going to borrow it.

Gov. BUTLER. Yes; now let us see. Won't you turn to this matter about the packages sent to Reading.

Mr. BROWN. At the bottom of page 786.

Q. (By Gov. BUTLER.) Doctor, when were you married and where? A. I was married in November, 1878, at Exeter, N. H.

Q. When did you move to Reading? A. The last day of November, 1878.

The CHAIRMAN. Governor, we think we have got enough for to-day, if you are satisfied?

Gov. BUTLER. I am ready to stop whenever the committee are.

Adjourned to meet on Wednesday, May 23, at 9.30 A.M.

THIRTY-SIXTH HEARING.

WEDNESDAY, May 23.

The Committee met in the Green Room at 9.30 A. M., Senator LORING of Worcester in the chair.

The CHAIRMAN. Please call your witness.

GEORGE E. PUTNEY (*recalled*).

Cross-examination by Gov. Butler (*resumed*).

Q. Doctor, have you got your record books of diseases? A. I went into the room where the documents are and I found only three books, and I have drawn off the record and have my paper here.

Q. Why didn't you bring the books? Drawing off is a little troublesome. A. I don't know why I should cart around books.

Q. Is that the only answer? A. Well, I might say I didn't understand what you wanted, anything more than the fact.

Q. I wanted the books, and I said so. Well, sir, I can verify them. When did you begin? A. I have not the dates.

Q. Well, without dates they are of no use. I want to know, not what you picked out? A. I began in July.

Q. July, 1876? A. Yes, sir.

Q. From July 22, 1876, to November 6, 1878, inclusive, I want to know how many foundlings you received? A. Well, sir, I could not tell you, because I cannot find all the stubs.

Q. Do you know where they are? A. I do not.

Q. From what time did you begin to what time? A. July, 1876.

Q. Then the later ones are here? A. The last one is November, 1878, to 1879.

Q. Are the first and last books here and the intermediate ones gone? A. Yes, sir.

Q. The great mortality was during the intermediate time, was it not? A. I don't know.

Q. How is your remembrance? A. What say, sir?

Q. How is your remembrance on that subject? A. I don't know any reason why the mortality should be greater.

Q. I don't know any reason, perhaps, but I ask what the fact is, and not whether you know the reason? A. I don't know the fact.

Q. And you don't remember? A. No, sir.

Q. Very good. Now, then, tell me where did you receive the most of these foundlings from? A. I don't know. I suppose they entered from the Chardon Street Home, where the foundlings were carried from Boston; and the understanding was that those who were bound to die, or those who had the least chance of life, were sent to Tewksbury.

Q. I don't want the understanding now. How anxious you are to go into that. Well, didn't you know that a large proportion of them came from Chardon Street Home? A. I didn't know it.

Q. Didn't you believe it at the time? A. I know that I was told so by different persons at different times; further than that I know nothing about it.

Q. Now, sir, have you any record — state what you have of record, and then I will see how far I can confirm it otherwise? A. Well, in my handwriting there are diagnoses of twenty-one cases of death.

Q. What were those cases when they came there; any record of them? A. No, sir.

Q. And your diagnosis was made before or after death? A. Before death.

Q. When they came or when they were dying? A. When they arrived at the institution.

Q. Yes; when they arrived. A. The diagnoses were not made at once in all cases, because it required a number of visits; but their diagnoses were made as soon as possible.

Q. What number were diseased? I mean, now, all who were diseased when they died, unless they were starved to death or poisoned, and then they would be diseased? A. Of this number I have recorded five died of the syphilis; they might have had the disease congenitally; they might have been congenitally diseased and died of something else, but there is no record of that. I wish to make a correction in my statement of

yesterday in regard to ventilation of that room. There was a ventilator in the floor, under the stove, which I had forgotten.

Q. Then it had one more ventilator than you thought of. Well, five died of syphilis out of that twenty-one. Then that was apparent to everybody, I suppose? A. It was apparent to everybody who had to do with the children.

Q. Now, then, what others? A. Three of chronic inflammation of the bowels.

Q. Must have had it for a long time? A. They had it long enough to constitute a chronic condition.

Q. What else? A. Twelve of inanition.

Q. That means starved to death? A. Practically; yes, sir.

Q. Diagnoses of twelve, starved to death. Go on. A. The starvation was due to internal causes.

Q. That is, they had enough outside, but they starved to death for inside reasons? A. You have got that correct, sir — perverted nutrition or lack of nutrition.

Gov. Butler. I know I got it right. I didn't ask your endorsement, sir.

The Witness. One died of consumption. And if the other stubs were here you would find a larger range. If the missing books were here I should find other causes of death.

Q. These are as far as you have got? A. Yes, sir.

Q. How they were when they came you don't know. This was what they had after you had examined them? A. After I had examined them.

Q. About how long did they live, as a rule, on the average? A. Some of them lived a day or two, and others lived a month or two; I cannot give you the exact average.

Q. Didn't they, as an average, die in about a month? A. I haven't averaged it, sir, and I cannot say.

Q. How many do you think you received in all? A. I don't know.

The Chairman. Governor, does this relate to foundlings brought there or to those born there.

Gov. Butler. It relates to foundlings wholly: that is, foundlings and abandoned. This is the state of things as I understand it. A mother or father would leave a child on a door-step, or in the street, and the child would be taken to the Chardon Street Home. Or the mother or father frequently would board it out with somebody, and then they would not pay their board; and then the boarding-mistress, whoever it

was, would bring it to the Chardon Street Home, and a Chardon Street Home it would be reckoned as an abandon foundling; and when they went to Tewksbury they would a put in the foundling class.

The CHAIRMAN. I understood the doctor to say tha most of them died in about two days.

Gov. BUTLER. I understood the doctor to say, yeste that most of them died in about two days. I understood hi say so yesterday, but he has looked at the books and has c to a different conclusion. They all died, on the averag about a month. I have had this examined.

The WITNESS. I will say I don't think I made that s ment yesterday, because it is not true.

THE CHAIRMAN. That is the idea I got — or that a many of them died in about two days.

Gov. BUTLER. I will have the books here in a moment. cause this is a thing worth testing. If this is not true the rest is false. I suppose the books which will be bro here in a moment will show that during the time the doctor there, there was sent from the Chardon Street Home a tot 71; and out of those there were two doubtful, one diseased, not stated, five good, thirty-five fair, and twenty-seven fe I will have the books here in a moment, and I want to c examine him upon them. So, if they got the syphilis, they have got it from that bathing. I knew that was very bad.

Q. Well, now, Doctor, while we are waiting a momen the books — [To Mr. Brown.] If you will pass me book about those packages — while that is being found I ask you: is the Locke family in any way related or conn with the Marsh family? A. No, sir.

Q. Neither by marriage or otherwise? A. I don't that they are.

[The record books of the Chardon Street Home were duced by Mr. Records.]

Gov. BUTLER. Mr. Records, can you give me the ence here?

Mr. BROWN. I pray the judgment of the committee, wh this is admissible.

Gov. BUTLER. I have here, sir, the records of the Ch Street Home, a public institution of the city of Boston, ke regular form like any other record. Mr. Innis brought to me yesterday, from that home.

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